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2 SENATE JUDICIARY COMMITTEE

3 U.S. SENATE

4 WASHINGTON, D.C.  
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8 INTERVIEW OF: MICHAEL B. STEINBACH  
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12 FRIDAY, JUNE 12, 2020

13 WASHINGTON, D.C.  
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1           The interview in this matter was held at the  
2   Dirksen Senate Office Building, Room SD-226, commencing  
3   at 10:06 a.m.

1 APPEARANCES:

2 Zachary N. Somers, Chief Investigative Counsel  
3 (Majority)

4 Arthur Radford Baker, Senior Investigative Counsel  
5 (Majority)

6 Sara Zdeb, Senior Counsel (Minority)

7 Christina Calce, Counsel (Minority)

8 Heather Sawyer, Staff Director & Chief Counsel  
9 (Minority)

10 [REDACTED], FBI Office of the General Counsel,  
11 Assistant General Counsel

12 [REDACTED], FBI Office of the General Counsel,  
13 Assistant General Counsel

14 [REDACTED], US DOJ FBI Supervisory Special  
15 Agent, Office of Congressional Affairs

16 Joan V. Cain, Court Reporter  
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## I N D E X

EXAMINATION BY	PAGE
COUNSEL FOR THE MAJORITY:	9, 86, 147
COUNSEL FOR THE MINORITY:	56, 133

## EXHIBITS

(No exhibits were marked.)

## P R O C E E D I N G S

Mr. Somers: This is a transcribed interview of Michael Steinbach. Chairman Graham requested this interview as part of an investigation by the Senate Judiciary Committee into matters related to the Justice Department's and the Federal Bureau of Investigation's handling of the Crossfire Hurricane investigation, including the applications for and renewals of Foreign Intelligence Surveillance Act warrant on Carter Page.

Will the witness please state his name for the record?

The Witness: Michael B. Steinbach.

Mr. Somers: On behalf of Chairman Graham, I want to thank you for appearing today, and We appreciate your willingness to appear voluntarily.

My name is Zachary Somers. I'm the Majority Chief Investigative Counsel for the Judiciary Committee, and I'll now ask everyone else that's here in the room to introduce themselves for the record.

Mr. Baker: Arthur Baker, Senior Investigative Counsel for Senator Graham Majority staff.

Ms. Zdeb: Sara Zdeb, Senior Counsel with the Senate Judiciary Minority staff.

Ms. Calce: Christina Calce, counsel with the Senate Judiciary Minority staff.

1 Ms. Sawyer. Heather Sawyer, Senator Feinstein's  
2 staff --

3 Mr. Somers: That's Heather Sawyer with the Minority  
4 staff, for the record.

5 [REDACTED]: [REDACTED], Office of General Counsel  
6 FBI.

7 [REDACTED]: [REDACTED], FBI Office of  
8 Congressional Affairs.

9 [REDACTED]: [REDACTED], FBI Office of  
10 General Counsel.

11 Mr. Somers: The Federal Rules of Civil Procedure do  
12 not apply in this setting, but there are some guidelines  
13 that are involved that I'd like to go over. Our  
14 questions will proceed in rounds. The Majority will ask  
15 questions for the first hour, and then the Minority will  
16 have an opportunity to ask questions for an equal period  
17 of time. We will go back and forth in this manner until  
18 there are no more questions and the interview is over.

19 Typically, we take a short break at the end of each  
20 hour of questioning, but if you'd like to take a break  
21 prior to that, please let us know. As I noted earlier,  
22 you're appearing today voluntarily. Accordingly, we  
23 anticipate that our questions will receive complete  
24 responses. To the extent that you decline to answer a  
25 question or if counsel for the FBI instructs you not to

1 answer a question, we will consider whether a subpoena  
2 is necessary.

3 As you can see, there's an official reporter taking  
4 down everything that is said here in a written record,  
5 so we ask that you give verbal responses to all  
6 questions.

7 Do you understand that?

8 The Witness: Yes.

9 Mr. Somers: So that the reporter can take down a  
10 clear record, it is important that we don't talk over  
11 one another or interrupt each other if we can help it.  
12 We want you to answer our questions in the most complete  
13 and truthful manner possible, so we will take our time.

14 If you have any questions or if you do not  
15 understand one of our questions, please let us know. If  
16 you honestly don't know the answer to a question or do  
17 not remember it, it's best not to guess. Please give us  
18 your best recollection, and it's okay to tell us if you  
19 learned the information from someone else.

20 If there are things you don't know or can't  
21 remember, just say so and please inform us who to the  
22 best of your knowledge might be able to provide a more  
23 complete response to the question.

24 You should also understand that, although this  
25 interview is not under oath, you're required by law to

1 answer questions from Congress truthfully.

2 Do you understand that?

3 The Witness: Yes.

4 Mr. Somers: This also applies to questions posed by  
5 Congressional staff in an interview. Do you understand  
6 this?

7 The Witness: Yes.

8 Mr. Somers: Witnesses who knowingly provide false  
9 testimony can be subject to criminal prosecution for  
10 perjury or for making false statements.

11 Do you understand this?

12 The Witness: Yes.

13 Mr. Somers: Is there any reason you're unable to  
14 provide truthful answers to today's questions.

15 The Witness: No.

16 Mr. Somers: Finally, we ask that you not speak  
17 about what we discuss in this interview today with  
18 anyone outside who isn't here in the room in order to  
19 preserve the integrity of our investigation. That's the  
20 end of my preamble.

21 Do you have any questions before we begin?

22 The Witness: I do not.

23 Mr. Baker: Zach, I would add for the record, as  
24 Mr. Steinbach has alluded to, he's here voluntarily, and  
25 he's been very cooperative and very easy to work with in



1 arriving at this particular point in the investigation.

2 Mr. Somers: We thank you for your cooperation.

3 EXAMINATION

4 BY MR. SOMERS:

5 Q It's now ten after 10:00. We'll begin our  
6 first round of questions.

7 Have you had a chance to read or review the IG  
8 Report related to the Carter Page FISA application?

9 A When it came out, I reviewed -- I read the  
10 executive summary, and then I had my staff do a name search  
11 for my name, and at that time I reviewed my name entry.

12 Q Did you speak with anyone in preparation for  
13 today's interview?

14 A I did not know the subject matter. There  
15 were several who people know I'm coming down.

16 Q Not the subject matter?

17 A No.

18 Q When did you retire from the FBI?

19 A February 2017. February 24th of 2017.

20 Q And what your position at the time of your  
21 retirement?

22 A Executive Assistant Director of the National  
23 Security Branch.

24 Q And what were your duties as the EAD for  
25 national security?

1           A       As the Executive Assistant Director of  
2 National Security, I was responsible for four programs:  
3 Counterterrorism Division, the Counterintelligence  
4 Division, the Weapons of Mass Destruction Directorate,  
5 and the Terrorist Screening Center. I provided policy  
6 and strategic direction for the Director's Office on  
7 those divisions and directorates.

8           Q       And in this investigation we're particularly  
9 interested in FISA. What was your general role -- not  
10 about this specific FISA, but just with FISAs in  
11 general?

12          A       As the EAD, I didn't have a direct role in  
13 the FISA process.

14          Q       Okay. So if the field office, for instance,  
15 wanted to get a FISA, that's not something that would  
16 come through you in any way?

17          A       Correct. It would not.

18          Q       What if headquarters wanted  
19 a -- headquarters, an agent or someone in the National  
20 Security Branch wanted a FISA?

21          A       FISA followed the chain of command up through  
22 the assistant director and to the deputy director. The  
23 EAD would not, in general, be a part of the overall  
24 process. I would be briefed after the fact at times,  
25 but I didn't see a flow of all FISAs coming from

1 national security side of the house.

2 Q So just to make sure I'm clear, if it's  
3 counterintelligence FISA, it would go from the  
4 AD -- within the National Security Branch, the AD for  
5 counterintelligence was the highest rank that the FISA  
6 would flow through?

7 A Correct.

8 Q And then it would go from there to the deputy  
9 director?

10 A Correct.

11 Q Okay. Besides your role as the EAD, how many  
12 FISAs had you worked on in the period prior to becoming  
13 the EAD?

14 A I can't guess. I was in counterterrorism at  
15 one point in the past from 2004 on and off until I  
16 became EAD. As the AD in counterterrorism, I was a part  
17 of a lot of FISAs. I couldn't guess. Many.

18 Q Many. And were you ever the case agent on a  
19 FISA?

20 A I was not.

21 Q Never the case agent. So you were -- were  
22 you an SSA on a FISA?

23 A No.

24 Q You ever signed a Woods Form?

25 A No.

1 Q Are you familiar with the Woods Procedures?

2 A Yes.

3 Q Can you speak generally as to what the Woods  
4 Procedures are?

5 A Sure. In general, the Woods Process is  
6 designed to ensure that every part of the affidavit is  
7 factually grounded, and a Woods addendum or a document  
8 that accompanies the FISA is designed to be that burden  
9 of proof for the actual statement in a FISA application.

10 Q Where'd you get your knowledge of the Woods  
11 Procedures?

12 A From 22 years in the FBI working  
13 counterterrorism.

14 Q I'm asking was there specific --

15 A I'm sure I've had training. I've had  
16 training on FISAs over the years. I went from an agent  
17 in criminal programs, and after 9/11 I moved over to  
18 counterterrorism. From that point on, I was immersed in  
19 all counterterrorism processes on the national security  
20 side of the House, to include national security process  
21 such as FISAs, so I couldn't tell you where I learned  
22 about the Woods process or procedures.

23 Q Does the National Security Branch do any  
24 training or advisories out to the field on the Woods  
25 Procedures?

1           A       They do training and audits in  
2 conjunction -- or did at the time I'd say in conjunction  
3 with DOJ.

4           BY MR. BAKER:

5           Q       Would you maybe give just a brief thumbnail  
6 sketch of your rise through the Bureau? Because you've  
7 got a lot of criminal experience too, I think, or some  
8 criminal experience. You're not strictly a national  
9 security investigator from your time right out of  
10 Quantico; is that correct?

11          A       Correct.

12          Q       If you could just give a thumbnail sketch of  
13 what your work history is and your promotional climb, I  
14 think that would help for the record.

15          A       Sure. So I graduated from the FBI Academy in  
16 the summer of 1995. I was assigned to the Chicago Field  
17 Office, where I worked mostly criminal -- well, all  
18 criminal matters. I started off on a fugitive task  
19 force -- for about two years on a fugitive task force  
20 and then moved over to a violent crime task force and  
21 back and forth between essentially fugitive task force  
22 and violent crime task force, responsible for fugitive  
23 investigations, bank robbers, kidnappings, extortions as  
24 part of the task force environments.

25               After 2011 I did a temporary duty assignment to New

1 Delhi, India, which was my real first exposure to the  
2 counterterrorism side of the house.

3 When I returned from that 60-odd day assignment, at  
4 some point I applied for a supervisor job in  
5 counterterrorism. They were setting up a new unit, a  
6 Military Liaison Detainee Unit, and they were looking  
7 for folks -- FBI agents who had military background. So  
8 although I didn't have a counterterrorism background,  
9 they asked me to come work in MLDU as a supervisor as a  
10 result of my military background.

11 I worked on the Guantanamo Bay program for a while,  
12 deployed to Afghanistan, became the Afghanistan SSA  
13 program manager and then ultimately acting unit chief of  
14 MLDU.

15 At that point, for about two years, I was  
16 transferred to Tel Aviv, where I was the -- first the  
17 ALAT, the Assistant Legal Attaché, then the Legal  
18 Attaché to Tel Aviv responsible for Israel and  
19 Palestinian authorities. [REDACTED]

[REDACTED]  
[REDACTED], so I spent a significant  
22 amount of time on the national security side of the  
23 house there.

24 When I returned from Israel, I spent about a year at  
25 the Washington Field Office back as a supervisor of a

1 violent crime and fugitive task force.

2 After a year they transferred me. I took a  
3 promotion as an Assistant Section Chief in  
4 Counterterrorism in the International Terrorism  
5 Operation Section in charge of ITOS ■, which is  
6 international terrorism in the United States.

7 After that, for approximately year and a half, I  
8 took a promotion to be the lead FBI agent to the CIA's  
9 Counterterrorism Center, CTC, a very short stint there.

10 And then I was pulled back and became the special  
11 assistant to Tom Harrington, who was the Associate  
12 Deputy Director at the time, had that position for a  
13 couple of years.

14 Then I was sent out to be the SAC of the  
15 Jacksonville Field Office. After four months as the SAC  
16 of Jacksonville, they asked me to go down to Miami, at  
17 first temporarily, then permanently, where I was the SAC  
18 for about -- the special agent in charge for about a  
19 year and a half.

20 Upon completing that assignment, I came back to FBI  
21 headquarters as the Deputy Assistant Director of  
22 Counterterrorism. I held that position for about six  
23 months, and on the promotion of the current AD, I became  
24 the Assistant Director of Counterterrorism. I held that  
25 position for about two years, I suspect, and then from

1     there became the Executive Assistant Director of  
2     National Security.

3           Q       When you were the SAC in Jacksonville or  
4     Miami, were there FISAs worked out of those field  
5     offices?

6           A       Yes, both field offices. [REDACTED]

7     [REDACTED] [REDACTED]  
8     [REDACTED] [REDACTED]  
9     [REDACTED]  
10    [REDACTED] [REDACTED] [REDACTED]  
11    [REDACTED]  
12    [REDACTED]  
13    [REDACTED]

14          Q       What would the SAC's role be in the FISA  
15     process?

16          A       It was a direct role in reviewing FISAs  
17     coming up.

18          Q       And, just briefly, your military experience?

19          A       So I graduated from the Naval Academy in  
20     1988, and I was a naval aviator flying P3s for just  
21     under seven years. Assignments on the west coast and  
22     the east coast, and I resigned from the Navy. My last  
23     ten weeks I was approached by the FBI.

24          Q       So in your role as SAC in the two field  
25     offices, you would have had someone in the office that



1 would primarily be responsible for providing you with  
2 legal advice; is that correct?

3 A Correct.

4 Q And that person's title is?

5 A Was the CDC, Chief Division Counsel. In a  
6 large office like Miami, there's probably at least one  
7 or, in the case of Miami, two associate Chief Division  
8 Counsels.

9 Q Would it be fair to say that that's a good  
10 probability of where you learned about Woods Procedures  
11 and whatnot as SAC interacting with the CDC?

12 A I'd say I probably learned about that prior  
13 with my experience on ITOS ■. As the Assistant Section  
14 Chief of ITOS ■, we had a program managing thousands of  
15 FBI field office investigations in counterterrorism, so  
16 lots and lots of FISAs.

17 If you'll recall 2009, 2010 time frame, when I was  
18 in ITOS 1, there was a fairly significant run-up in  
19 counterterrorism investigations. ■

20 ■

21 ■

22 There was a number of emergency and routine FISAs that  
23 were authorized. I'd say probably ultimately my  
24 practical experience in FISAs was in counterterrorism  
25 during my ITOS ■ time.

1 Q Okay. And then managerial experience with  
2 FISAs as SAC?

3 A That would be -- yeah. Managerial both in  
4 ITOS ■ and as SAC.

5 Q And your role as SAC in FISA was more  
6 involved then, and as you indicated, EAD really not at  
7 all?

8 A Yeah, to be honest with you, I don't recall  
9 exactly what sign-off I provided to the FISA -- well,  
10 that's not true. There was a FISAM system that, as the  
11 SAC, I would go in and pull it up, review, and if I was  
12 satisfied with that, I would sign off on it. It was ■  
13 ■ designed to provide a process for all  
14 FISAs from initiation through the process.

15 Q So that system would make sure that any  
16 person that had a role in approving the  
17 FISA would -- that would shepherd the approvals along to  
18 the people that needed to see it?

19 A Correct.

20 Q At then at some point, does it transmit from  
21 the field office to FBI headquarters to start the  
22 approval process in D.C.?

23 A Yeah. It's more of a blended approach. So  
24 when a case agent -- because the affi for a FISA is  
25 headquarters, not the field, so the initiation of the

1 FISA of course is in the investigation in the field,  
2 which you immediately need to interact with either ITOS  
3 ■, which I was the assistant section chief of, or ITOS  
4 ■, to work with that headquarters supervisor and the FBI  
5 legal entity, OGC for National Security, who would then  
6 interact with DOJ's at the time it was National Security  
7 Branch, and you would start to work that FISA process  
8 through.

9 As Assistant Section Chief of ITOS ■ I think on a  
10 weekly basis, maybe every other week, we would have a  
11 meeting with DOJ National Security Branch, and I think  
12 ILA at the time. They would come off site and they  
13 would sit down and review all of the FISAs pending/up  
14 for renewal as a routine process.

15 But back to your original point, the FISA initiation  
16 process I recall more of a dual-field headquarters  
17 blended function as it moved its way up, so by the time  
18 the SAC saw it in FISAs, it already had touched bases  
19 with both the field and headquarters.

20 BY MR. SOMERS:

21 Q You said review. What would review consist  
22 of?

23 A From my perspective?

24 Q Yes.

25 A As the SAC, I'd review --

1           Q       I'm sorry. As the ITOS ■, as assistant  
2 section chief.

3           A       Okay. As the assistant section chief. So  
4 we'd go to an office and it was really about we want to  
5 ask you to look at the documentation. DOJ National  
6 Security Branch lawyers would be there talking about,  
7 hey, what's coming up? What's due? There's obviously a  
8 routine process for a FISA versus an expedited. There  
9 are three separate functions. So they'd talk about  
10 whether or not they felt they had predicate for an  
11 emergency versus a routine FISA. They would talk about  
12 the investigation.

13           It was a back-and-forth conversation about the flow  
14 of cases and particularly where National Security Branch  
15 of DOJ needed to be involved in that.

16           Q       Who's in the room for a meeting like that?  
17 Is the actual case agent on --

18           A       No. It's generally the section chief or -- I  
19 think at the time -- this is back in 2009. At the time,  
20 it was Section Chief, Assistant Section Chiefs in either  
21 ITOS ■ or ITOS ■, perhaps the unit chiefs or SSAs, and  
22 perhaps even an intel analyst if it was their case.

23           It included National Security Branch lawyers who  
24 were assigned off site to ITOS, and then there were a  
25 number of DOJ unit chief to supervisory positions. At

1 the time there were two branches. There's a National  
2 Security Branch -- well, within the National Security  
3 Branch, there was the actual arm that actually did the  
4 FISA work in the field. There was kind of the review  
5 IO. They kind of did the work with FISC, or they were  
6 generally present. Half dozen to a dozen people.

7 Q But let's say you're discussing a FISA on  
8 John Smith, who, like, initiates the discussion and says  
9 this is the facts of the case in that meeting?

10 A It was a casual meeting. There was no -- we  
11 had topics we wanted to address. They had topics they  
12 wanted to address. There was no I would say standard  
13 template. Often they would come in and say, okay, this  
14 is what we've got this week. We've got a FISA  
15 application coming in on, you know, John Smith. We have  
16 a renewal on Mike Smith, and, you know, we have a  
17 concern that there's not enough there and this is what  
18 we need to happen.

19 It was a back-and-forth conversation at headquarters  
20 level. I will -- let me make sure I caveat this. I'm  
21 talking on the counterterrorism side. I don't know if  
22 there was an equivalent on the counterintelligence side.

23 Q In a meeting like that, was it also  
24 discussed, hey, we shouldn't get a renewal on a FISA?

25 A Sure.

1           Q       And what would be factors that would come  
2 into play to get a renewal on it?

3           A       Lack of predicate. Lack of predicate with  
4 proceeding with the investigation.

5           Q       Is that because the FISA ran dry or it never  
6 produced anything?

7           A       It could be all those things. I mean, you  
8 know, again, did about -- did this for two years, dozens  
9 on a monthly basis. There's all kinds of reasons why a  
10 FISA's no longer -- it's run its course, not able to  
11 continue to produce the required information to justify  
12 going back to the court for renewal. Perhaps the DOJ  
13 said, hey, look, we need this much more. Bring back the  
14 case to the field and ask for more. They need to do X,  
15 Y, Z.

16           It was an informal meeting to kind of stay abreast  
17 of the process.

18           Q       On average, how many FISAs would be discussed  
19 in that meeting?

20           A       [REDACTED].

21           Q       A handful?

22           A       A handful on a weekly basis.

23           Q       And anyone who attended these meetings, would  
24 they look at the Woods File?

25           A       Sure. The headquarters supervisor would have

1    been part of the Woods File process.  The DOJ attorneys  
2    would have been involved in the Woods File process.

3           Q        So have you ever reviewed those files?

4           A        I have.  I will say yes, but I would say not  
5    in a -- just kind of review process.  I don't have a lot  
6    of -- I wouldn't say I have a lot of experience on the  
7    Woods documents.

8           Q        But not as part of the audit.  You're saying  
9    you reviewed it as a FISA you were looking at?

10          A        Correct.

11          BY MR. BAKER:

12          Q        Separate and apart from any reviews that are  
13    being done before an application goes to FISC, is there  
14    a process in the Bureau where a first-line supervisor  
15    regularly on a scheduled basis does a file review of  
16    cases that are on his or her squad?

17          A        Yes.

18          Q        And would that include reviewing subfiles,  
19    like Woods Files, for accuracy, compliance?

20          A        I don't know how to answer that.  It  
21    should -- intuitively a file should include all files to  
22    include subfiles, classified, nonclassified in the Woods  
23    File.  I don't know that I can speak to how accurately  
24    in the field the supervisor actually pulled in the Woods  
25    File and reviewed it.  That I couldn't comment on.  We

1 had a process in place where DOJ would audit field  
2 offices periodically on Woods Files.

3 Q But this file review process in general,  
4 that's when the supervisor maybe meets with an agent and  
5 discusses caseload milestones for the next file review,  
6 sort of an evaluation of where it's at, and then is  
7 there some sort of reporting of that file review by the  
8 SSA up to his next level -- I assume the special agent  
9 in charge -- just the fact that file reviews were done?

10 I'm guessing the ASAC is kind of -- if he keeps  
11 seeing on the little summations of file reviews that  
12 we're working toward a FISA, we're working towards a  
13 Title III, but he keeps seeing that, he might ask now,  
14 well, what's the holdup on it? Is there sort of a  
15 give-and-take between the SSA and the ASAC?

16 A There could be. I think it depends on how  
17 big the field office is. Generally, the supervisor  
18 conducts periodic file reviews where he reviews, just as  
19 you said, the case file, how the case is progressing,  
20 provides some guidance in terms of investigative  
21 assistance, what needs to be done, if there are  
22 any -- if the case has been open as a PI too long  
23 versus, well, we're not getting -- you know, we need to  
24 close this case. That would be documented in the file  
25 review and put in the agent's file.



1           Whether the ASAC reviewed every single supervisor's  
2     file, I think that's probably not necessarily a  
3     hard-and-fast rule, perhaps a procedure or a technique  
4     that some ASACs would use. I would be surprised except  
5     maybe in very, very small offices that that information  
6     passed the ASAC to the SAC.

7           Q       And then I think you said or alluded to, in  
8     addition to whatever review the SSA is doing, at least  
9     in the case of FISAs and national security-related  
10    matters, but specifically FISA, is there also audits or  
11    reviews being done by attorneys from the FBI's General  
12    Counsel Office along with --

13          A       Yes.

14          Q       -- counterparts from DOJ?

15          A       The FISA process -- the approval and review  
16    process for FISAs does not sit alone with the field or  
17    the investigative entity. There's quite -- and probably  
18    more so than any other investigative tool that I can  
19    think of, the FISA process is very much a headquarters  
20    field collaboration.

21          A       A case agent could not run through a FISA without  
22    support of headquarters. For one, like I said the  
23    supervisor at headquarters is the actual affiant, not  
24    the field, so a supervisor at headquarters is not going,  
25    of course, go and stand before the FISC and apply for a

1 FISA application.

2 BY MR. SOMERS:

3 Q What's your understanding of why that is, why  
4 the headquarters does the affidavit on FISAs?

5 BY MR. BAKER:

6 Q And that's different from a Title III on the  
7 criminal side, correct?

8 A Correct. So I would say there is -- the FISC  
9 itself, as we're all aware, is a different entity. You  
10 are not following normal criminal procedure, and so I  
11 think there's a level of caution and review around  
12 national security procedures that involve use of tools  
13 such as search and seizure or other processes that would  
14 normally go through the checks and balances of the  
15 criminal code, right.

16 So the national security process through the FISC  
17 court has always had a stronger oversight, the concern  
18 being that there needs to be strong oversight. DOJ's  
19 opinion was always -- had always been when I was there  
20 that we want to make sure that every FISA application we  
21 put forward is ready to go. There was a lot of  
22 back-and-forth before it got to the judge, the FISC  
23 court judge, before that.

24 DOJ was very concerned back in those days to make  
25 sure that they had a strong 100 percent record on FISA

1 applications. They spent a lot of time reviewing and  
2 prepping the application and evidence before it went to  
3 the court, and often they would work with the clerks in  
4 the FISC to ensure that they felt that it satisfied the  
5 burden of proof, so to speak, for that application  
6 before it went to the judge. There was a lot of  
7 back-and-forth.

8 And I'm speculating now, but my thought process is  
9 because of the nature of national security  
10 investigations, how important they are, the  
11 intrusiveness of the techniques, we need to make sure  
12 that we have those processes down. That's why there's a  
13 level of involvement at headquarters and at DOJ that you  
14 don't see in the criminal side of the house.

15 BY MR. SOMERS:

16 Q Isn't there any concern, though, that the  
17 person that's actually signing the FISA then is the one  
18 that's most familiar with the facts? Do you make that  
19 switch off from the field to headquarters for actually  
20 signing the document?

21 A So all steps of a national security  
22 investigation -- in criminal investigations -- when I  
23 was working criminal cases, I could pretty much open up  
24 a case on my own, and all of the investigative steps  
25 resided with me and maybe my supervisor until I then

1 went and sought some type of application for search or  
2 some other process.

3 On the national security side of the house, just  
4 about every step along the way in the investigative  
5 process involves headquarters, and that's by design. So  
6 when a case is initiated -- a significant national  
7 security case is initiated in the field, the  
8 headquarters SSA is aware of it and monitors it. There  
9 are steps that require a first approval.

10 So I would say that a headquarters supervisor on  
11 counterterrorism and counterintelligence investigations  
12 is just as familiar with the evidence, what's going on  
13 in the investigation. He or she may not have the  
14 details of how information was obtained, but in terms of  
15 evidence gathered, headquarter supervisors have intimate  
16 knowledge of national security investigations.

17 Q What do you mean by the evidence gathering?  
18 You mean what's actually in the application or the  
19 actual evidence?

20 A I'm talking about -- I want to use the word  
21 "evidence." I'll keep evidence for criminal side of the  
22 house. I'll look at it as they're all stated as all  
23 intelligence gathered in a national security  
24 investigation is pushed through headquarters. So from  
25 the inception of the investigation through conclusion,

1 all intelligence gathered in a national security  
2 investigation doesn't reside just in the field as it  
3 would in a criminal investigation. Headquarters is  
4 intimately familiar with that.

5 For one reason, IIRs, or Intelligence Information  
6 Sharing Products, that information is pushed up and  
7 pushed out to the intel community very robustly. So a  
8 headquarters supervisor in national security is very  
9 aware of the intelligence/evidence that's in a national  
10 security investigation.

11 Q So does the headquarters supervisor -- is  
12 that the SSA that signs the Woods Form?

13 A Yes.

14 Q And so they review the Woods File?

15 A Yes. I would say often they are helping to  
16 draft those files.

17 Q The Woods File, is that an electronic  
18 document, or is it a paper document?

19 A It's on the electronic system. It's a Word  
20 document or something similar to that, as far as I know.

21 BY MR. BAKER:

22 Q Would the headquarter supervisor also be  
23 aware, monitoring, making sure the field case agent is  
24 aware of intelligence information, anything related to  
25 that FISA that is in other field offices?

1           A        Yes. The idea behind the national security  
2   investigative process and, you know, as a result of some  
3   of the lessons learned from 9/11, was to prevent  
4   stovepiping of intelligence information. So the reason  
5   headquarters is so involved, they are the conduit to the  
6   other agencies. So the robust sharing  
7   of information -- we have to make sure that if a field  
8   office in Los Angeles collects information, it doesn't  
9   sit in the case file of Los Angeles.

10           So the headquarters supervisor and the intelligence  
11   analysts that are assigned to that work very closely  
12   with field, understanding what intelligence is there,  
13   and really providing that broader picture, right. If  
14   you look at the case agent and the team at the field  
15   level, they're kind of focused down singularly on that  
16   case.

17           Headquarters is supposed to provide that overarching  
18   understanding, not just the case, but how it interacts  
19   and relates to intelligence more globally.

20           Q        So you had mentioned earlier that as this  
21   FISA application/FISA package makes its way through  
22   FISAMS and it may get, for lack of a better term, kicked  
23   back at some point for something to be beefed up or  
24   something to be more clarified, that headquarter SSA it  
25   sounds like would be the one most ideal to know where in

1 the field something might reside that would be  
2 responsive to whatever is deficient in the FISA.

3 A That's a very vague question. I think yes in  
4 general. The headquarters supervisor ideally -- and I'm  
5 speaking in general. The headquarters supervisor  
6 overseeing a field office investigation, whether it's  
7 counterterrorism or counterintelligence, should have  
8 strong working knowledge of the investigations in his or  
9 her responsibility, should understand intelligence, and  
10 there should be robust conversation between the case  
11 agent and headquarters supervisor on the national  
12 security side of the house to ensure that both are in  
13 sync with next steps.

14 There were times when the field wanted to do X; we  
15 wanted to do Y, or they wanted to do X, and we were  
16 like, no. I know that's important from a case  
17 perspective. From an overall intelligence perspective,  
18 it's not appropriate. So my point being that  
19 headquarters and field should be in sync on all national  
20 security investigative processes to include FISA  
21 applications and, therefore, the Woods subcomponent of  
22 that.

23 Q I think I heard you correctly. You said  
24 something along the lines that one of the reasons that  
25 headquarters is involved is to be able to run, at least

1 to some extent, the information by the rest of the  
2 intelligence community on FISA?

3 A Not specific to FISA, so I would say  
4 that -- so, I mean, ideally the way it's set up,  
5 intelligence should be available broadly, right. We've  
6 developed systems in CTC -- I'm speaking on the  
7 counterterrorism side, which is where the bulk of my  
8 background is.

9 On the counterterrorism side, there are robust  
10 processes in place. There are Wikipedia-like systems  
11 that allow for robust sharing and searching of  
12 information. That being said, at the field level their  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED] They should have  
18 a broader level of experience in that subject to help  
19 guide the field. That's the kind of relationship.

20 On the counterintelligence side of the house, it's  
21 somewhat similar, but also recognizing that there are  
22 probably more -- because of the sensitive nature of some  
23 counterintelligence investigations, there are probably  
24 more walls than on the counterterrorism side.

25 Q Could there be a case where someone from



1   headquarters bounced something off from another  
2   intelligence community component and they'd say you're  
3   way off base on where you're going with this FISA or  
4   something like that?

5           A       So probably -- I don't know about way off  
6   base, but all the time we bounce stuff off. I mean,  
7   CIA, NSA, FBI, DIA, NCTC, they regularly disagree on  
8   matters of intelligence. That's the tricky thing about  
9   intelligence. You get a piece of information, and then  
10  you're required to make some subjective decisioning  
11  based on that piece of information.

12           There are lots and lots of robust conversations.

13  [REDACTED]

14  [REDACTED]

15  [REDACTED]

16           Q       So if you had a really big case, though, of  
17  something -- or a really big investigation, that's  
18  something you might want to bounce off CIA or NSA in  
19  terms of, you know, what you're looking at, what you're  
20  seeing, what are they seeing in this area?

21           A       I don't think -- to use your phrase "bounce  
22  off" I think misrepresents the process. That would  
23  assume that it's not there already. [REDACTED]

24  [REDACTED]       [REDACTED]

25  [REDACTED]       [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED] [REDACTED]  
4 [REDACTED] [REDACTED]  
5 [REDACTED] I was the head FBI agent at  
6 counterterrorism. I reported to the assistant director,  
7 so as the assistant director, [REDACTED]  
8 [REDACTED]

9 So to say bounced off would suggest that the  
10 information is not there. That information sits there  
11 all the time. [REDACTED]

12 [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED] [REDACTED]  
15 [REDACTED] [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 Q And would you do any name checks? Like, for  
20 instance in this case, Carter Page has some relationship  
21 with I guess I would say a government agency, but not  
22 speaking to Carter Page specifically, but you want to  
23 get a FISA on a John Smith. Is that something you'd try  
24 and check out? Hey, is this guy actually, you know,  
25 some deep cover agent for the CIA?

1 A Sure.

2 Q Is that part of the process?

3 A Part of the process in any investigative  
4 measure is to identify your subjects and then learn  
5 about those subjects. That includes checking other law  
6 enforcement intelligence community databases to see if  
7 there's any association or interaction to include work  
8 on this.

9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED] [REDACTED]  
13 [REDACTED] [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 BY MR. BAKER:

18 Q Would they tell you in that case there is a  
19 source, or would they tell you we have no information to  
20 your request?

21 A I don't know if I could speculate. I think  
22 it would be an individual situation. I can't recall. [REDACTED]

23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED] [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

5 Q So how it's handled might different differ  
6 from --

7 A It's very -- I would say it's very  
8 individual. And there's a process in place that should  
9 be followed in general, but there are, of course,  
10 exceptions to that process that unique circumstances may  
11 dictate following more discussion.

12 BY MR. SOMERS:

13 Q To get more specifically to Crossfire  
14 Hurricane, when did you become aware that the FBI wanted  
15 to open the investigation that eventually became  
16 Crossfire Hurricane?

17 A So that's not that straightforward of a  
18 question, because there was a number of -- I think  
19 there's a -- and I should probably caveat this from the  
20 start that a lot of what I know today -- it's been three  
21 years since I retired. It's been about four, four and a  
22 half years since I was involved in many of the topics  
23 regarding Crossfire Hurricane.

24 Fortunately, or unfortunately, there's been such a  
25 blitz in the media; there's been such a large amount of

1 noise that I have a hard time at times distinguishing,  
2 if somebody asks me a specific question, whether I knew  
3 that at the time or I've learned that from the onslaught  
4 in the media. So I'll try to tell you going forward I  
5 know for a fact that this is something I knew prior or  
6 if I can't recall how I knew it.

7 But when you talk about Crossfire Hurricane, the way  
8 I recall it and what I think the media has somewhat  
9 mistaken is there was a day when there was a switch that  
10 was flipped on a Russian investigation. That's not how  
11 it happened. There was a break-in, so to speak, in  
12 terms of on the cyber side that occurred into a number  
13 of places, to include the DNC. As that cyber-based  
14 investigation kind of moved forward, there was evidence  
15 that there were Russian actors behind it. That  
16 investigation kind of moved forward.

17 There's always been long-standing investigative  
18 interest and intelligence collection effort on foreign  
19 influence efforts, all the countries you would suspect.  
20 Those efforts were ongoing.

21 Then at some point, evidence was collected or  
22 intelligence was collected -- I should make sure I use  
23 the correct term. Intelligence was collected that  
24 started to formulate that certain people associated with  
25 the campaign may have inappropriate contact or

1 concerning contact with individuals. That's the  
2 formulation of Crossfire Hurricane.

3 Now, in terms of time frame as to when specifically  
4 the name "Crossfire Hurricane" and the form, best I can  
5 recall, was summer timeframe, but that's --

6 Q So the investigation was formally opened on  
7 July 31st of 2016. I guess what I'm really trying to  
8 get at is what did you know before July 31st of 2016  
9 about, hey, we want to open this investigation. I'm  
10 trying to see when you were kind of looped in.

11 A So, again, Zach, there was a lot of  
12 information going on about that foreign nation's efforts  
13 on the cyber side, on the influence side. I don't know  
14 that -- I can't recall that I was briefed specifically  
15 on individuals prior to Crossfire Hurricane. I'm sure  
16 at some point -- in general, the way the process worked  
17 was at the morning directors' meeting, which Director  
18 Comey held every morning at 8 o'clock or so, at the  
19 conclusion of that general meeting, a small group stayed  
20 behind to talk about more sensitive matters. We were  
21 being briefed on, from the time I was the EAD, on a  
22 number of sensitive matters in that forum, to include  
23 concerns about individuals associated with the  
24 presidential campaign.

25 At some point, I was briefed that there were

1 individuals involved. I don't recall how far in advance  
2 of the July 31st opening, as you say, of the Crossfire  
3 Hurricane investigation, but at some point, I was given  
4 information. I just don't remember when.

5 Q Do you know who initially briefed you on  
6 this, gave you information?

7 A I don't know who, but it would have been one  
8 of three people.

9 Q Who are those three people?

10 A It would have been the AD Pete Strzok, the  
11 DAD -- I'm sorry.

12 The AD Bill Priestap, the DAD Pete Strzok, or  
13 Jonathan Moffa, who was the section chief over intel.  
14 They were generally the ones that would come in and  
15 brief the director, the deputy director, and myself and  
16 others on those activities. And it would have been  
17 likely, to be honest with you, that prior to that  
18 morning brief Bill and Pete or just Bill would have come  
19 into my office and said, hey, we've got something going.  
20 This is what we're going to do.

21 I don't know if that happened, but that was often  
22 kind of the flow of information.

23 Q And did you know they were going to, like, I  
24 guess formally open Crossfire Hurricane on the 31st?

25 A I don't know that --

1 Q Not the date.

2 A Yeah. Yeah. I think that to your point, we  
3 had talked about opening investigations on those  
4 individuals I believe in that same forum in the morning,  
5 so I want to say yes, but I can't be 100 percent sure.

6 Q So there's an electronic communication that  
7 formally opens the case. You were in the approval chain  
8 for like actually -- whatever -- entering it, signing  
9 off on or approving that electronic communication?

10 A The EAD wouldn't be in the approval chain for  
11 a case opening.

12 Q Do you know who would have been in the  
13 approval chain for that?

14 A There's no -- if I recall, there's no set  
15 standard in terms of who's in the approval. Certain  
16 investigations or certain investigative techniques  
17 require certain approval authorities, and so in terms of  
18 the opening -- you say opening of a case?

19 Q Yes.

20 A The opening of a counterintelligence  
21 investigation I think just requires -- it's a PI, a  
22 preliminary investigation. It requires I think just  
23 supervisory approval.

24 Q So SSA?

25 A SSA.



1           Q        Could you disapprove the opening of Crossfire  
2 Hurricane?

3           A        Sure. A number of investigations are opened  
4 up in the field I don't see -- I don't see any of those  
5 opening statements or those opening electronic  
6 communications.

7           Q        But you were briefed on it beforehand. So  
8 I'm not saying -- I'm just asking you technically could  
9 have said, no, you can't open --

10          A        Sure. I don't know -- it probably would have  
11 required a little more than me just unilaterally saying,  
12 no, the director's briefed on it, deputy director's  
13 briefed on it, but probably have to have more than just  
14 a no on my account. I mean, as the assistant director,  
15 probably more appropriately that's a political position  
16 where if you had serious concerns about a case that was  
17 open in the field, that's probably the level where it  
18 would be -- you would veto that, so to speak.

19                I don't recall ever -- as an EAD ever being involved  
20 in a decision to open or close a case at that level. I  
21 do recall having that decision discussion with the field  
22 as an AD but not as an EAD.

23          Q        So what was your understanding of what was  
24 being investigated? What's the goal here?

25          A        Of Crossfire Hurricane?

1 Q Yes, of Crossfire.

2 A So as I understand it, there were a number of  
3 individuals that had contacts with individuals who were  
4 connected to a foreign government.

5 Q And what -- so -- okay. So the contacts with  
6 a foreign government, what are you going to investigate?  
7 Whether they actually have contacts? What they're doing  
8 with those contacts?

9 A Sure. Yeah. If tomorrow you go out and meet  
10 with a Russian contact, we're going to open a  
11 counterintelligence investigation on you to determine  
12 what the relationship is. Is it just having a cup of  
13 coffee, or is there something more to it? That's the  
14 nature of counterintelligence investigations. That's  
15 how you develop a source.

16 So if we see individuals having contact or  
17 conducting suspicious activity with known individuals  
18 that are known intelligence officers or associated with  
19 that, that's the predicate. The predicate for a  
20 preliminary investigation is very low by design.

21 Q What was your understanding of who George  
22 Papadopoulos was? He's the initial name mentioned in  
23 the July 31st electronic communication.

24 A Yeah, I don't -- I don't -- I can't give you  
25 any details on what I knew about George Papadopoulos.

1 I'm not even sure I can walk you through, but I  
2 believe -- no, I can't.

3 Q Same answer for Carter Page?

4 A Yeah. I mean, the names and the associations  
5 are there, but to actually walk you through information  
6 associated with each individual, I can't tell you.

7 Q But you definitely understood they were  
8 associated with Trump in some way?

9 A Sure.

10 Q So, you know, you talked about how you  
11 initially learned about it. How were you briefed/talked  
12 to about it going forward throughout the investigation?

13 A In a similar manner. So periodic updates  
14 generally either privately from Bill Priestap, who's my  
15 direct report as the assistant director, or perhaps Bill  
16 with Pete. Probably even more frequently at the morning  
17 skinny-down meeting, so to speak, with Director Comey.  
18 Skinny-down meeting, again, was a larger meeting. Then  
19 most folks would be asked to leave except for the  
20 director, the deputy director, general counsel, the  
21 director's chief of staff, myself, and a few others.

22 Q I'm just looking at a quote from the IG's  
23 Report here. It says, "Priestap said he'd briefed  
24 Steinbach nearly every day on the case and provided  
25 Comey or McCabe with updates on an as-needed basis."

1           So I'm just trying to -- I was looking at the first  
2   clause there, "Priestap said he'd briefed Steinbach  
3   nearly every day on the case." What did that consist  
4   of? Was that just you and Priestap?

5           A       Sure. I'm not going to disagree with Bill's  
6   assertion. So Bill would talk to me on an ad hoc basis,  
7   sometimes coming into my office right after morning  
8   briefings. Every afternoon I had a closeout briefing  
9   with my AD, including Bill, as appropriate, same thing.  
10   Other people would be in my office, and Bill would brief  
11   me on it. So every day? I'll sign off on that.

12          Q       Okay. And what did these briefings consist  
13   of? How specific are we talking about here?

14          A       Not specific. Just general updates on where  
15   we were at.

16          Q       Were investigative steps discussed at these  
17   briefings?

18          A       It could be.

19          Q       So, for instance, were you told ahead of time  
20   that, hey, we're going to have to run a confidential  
21   human source at George Papadopoulos or Carter Page?

22          A       I may have been.

23          Q       But you can't recall?

24          A       I can't recall, no.

25          Q       Were you told before a FISA, hey, we're going

1 to go seek a FISA on Carter Page?

2 A Yeah, I may have been. Neither of those  
3 investigative techniques were alarming, particularly  
4 with confidential human sources. That's one of the  
5 first steps you do in an investigative process. You try  
6 to build up a network of informants to work against your  
7 subject.

8 Q Why?

9 A Why?

10 Q Yeah.

11 A Because when you look at developing  
12 intelligence or evidence on the criminal side, covertly  
13 or quietly watching a subject only gets you so much.  
14 Records checks only get you so much. At some point, you  
15 have to take increasing levels of investigative steps  
16 and more intrusive steps. In the investigative  
17 guidelines, it -- FBI agents kind of views a  
18 confidential human source as one of the basic levels to  
19 have somebody bump into your subject to learn what that  
20 person's saying or thinking. So that's a pretty  
21 straightforward step for an FBI agent.

22 Q Is it generally a reliable source of  
23 information?

24 A Absolutely not.

25 Q Do you generally think that the source is

1 going to be truthful, honest, a little bit more open?

2 Is that why you run a confidential human source?

3 A Of course you do. The sources are not going  
4 to be truthful. I've never had a source ever tell me  
5 the truth completely. Even a source in almost all cases  
6 is doing it for some ulterior motive: Get himself out  
7 of a jam, for money.

8 Q I'm sorry. I think I probably misstated my  
9 question. Let's say that you take the step of having a  
10 confidential human source wear a wire to record -- or in  
11 some means record the conversation between the  
12 confidential human source and the subject target,  
13 whatever we want to call them.

14 Do you generally try and record those conversations  
15 because those conversations -- the evidence gained in  
16 those conversations is reliable?

17 A It's -- well, it's good for a number of  
18 reasons. I mean, certainly, although you want to trust  
19 your source, and no smart agent does, you want to get  
20 the information clear. From an evidentiary perspective,  
21 of course having a recorded conversation is much more  
22 powerful than just a source with a maybe sordid  
23 background telling you.

24 So there's a number of reasons you may want to use  
25 that information and then go back to the subject and

1 play it to him to help convince him to cooperate. So I  
2 would say the introduction of a confidential human  
3 source into an investigation is an initial step, a more  
4 refined step, but then have that source conduct tasks to  
5 include wearing a wire, depending on the circumstances.

6 Q Were you briefed at all on results of the  
7 wearing of wires to -- or I don't know if it was a wire,  
8 but however George Papadopoulos was recorded by  
9 confidential human sources? Were you briefed on the  
10 results of those recordings?

11 A I don't recall.

12 Q Would it surprise you that the IG Report  
13 indicates that Papadopoulos denied that he had any  
14 involvement? Were you ever briefed on that?

15 A So if I -- I'm going to caveat this with that  
16 I'm not a hundred percent clear, but I do recall one of  
17 the subjects, some of the sources we bumped up we got  
18 then no useful information. I believe that's  
19 Papadopoulos, perhaps from the Chicagoland area if I'm  
20 not mistaken, but you're asking me something from some  
21 time ago.

22 Q You don't recall being told that he denied  
23 any involvement?

24 A Not specifically.

25 Q Do you recall him saying, oh, that would be

1 treason to be involved with the Russians or collusion  
2 with the Russians?

3 A Do I recall it? No.

4 Q Were you aware that information was not  
5 included in the Carter Page FISA application?

6 A No, I was not.

7 Q Were you aware that Carter Page similarly  
8 denied, for instance, knowing Paul Manafort?

9 A I don't have any knowledge or recollection of  
10 specific statements made by either of those subjects.

11 Q Were you ever aware of any general concerns  
12 of, okay, we recorded Carter Page through a confidential  
13 human source and we didn't get what we wanted? Was that  
14 ever raised to you in a more general sense?

15 A Didn't get what we wanted? No. So, I mean,  
16 you're asking a generalized question. I would argue  
17 that -- I'll just state that you record -- when you bump  
18 a confidential human source and you record those  
19 conversations, there are lots of statements made by the  
20 confidential human source that -- or I'm sorry -- by the  
21 subject in those wire recordings that may not be  
22 accurate or truthful statements.

23 So am I aware of either there are statements against  
24 or for? I don't have any specific knowledge of what  
25 they said in their conversations with the source or what



1 was recorded so, no. But if you're asking me am I  
2 surprised or do I have some level of disbelief that they  
3 denied? That doesn't surprise me at all. As I  
4 mentioned, that's fairly common.

5 Q Yeah. No. What I'm more asking more  
6 generally is Carter Page, George Papadopoulos are both  
7 recorded prior to the first FISA application being  
8 submitted to the court, and I was just wondering if in  
9 any of your daily briefings with Steinbach or someone  
10 else someone raised a concern about what they received  
11 on the recordings from the confidential human source.

12 A No. And so in the EAD's position, I wouldn't  
13 be involved in the day-to-day investigative steps. I  
14 was being briefed at the strategic level. I didn't  
15 follow either that counterintelligence investigation  
16 that closely or any other ones or in the hundreds of  
17 counterterrorism investigations on the other side of the  
18 house. So I would get updates at a strategic level, but  
19 I wouldn't be apprised on a day-to-day basis of this  
20 investigative stuff happened, and I didn't ask.

21 Q I think you kind of answered this, but I'd  
22 like to just ask it again. So in these meetings with  
23 Priestap where he's giving you updates on Crossfire  
24 Hurricane, did he ever ask your approval for any steps  
25 in Crossfire Hurricane?

1           A       Not that I recall.

2           Q       And he wouldn't have needed to? He could  
3 have run with this?

4           A       I think that he would have been briefing me  
5 for strategic direction or approval, but not on  
6 specifics. From a specific investigative point of view,  
7 he wouldn't saying can I do step 1, 2, 3. That wouldn't  
8 be par for the course.

9           Now, this investigation had of course a lot of  
10 sensitive parts to it. So there were conversations that  
11 went on more holistically at Director Comey's table with  
12 the general counsel where broad-ranging conversations on  
13 the direction of the investigation on where the  
14 direction should go, so that was more probably the  
15 strategic approval processing. Hey, we're good with you  
16 going down this road and whatever steps are necessary to  
17 meet those objectives are approved.

18           But I don't recall ever briefing a particular  
19 investigative step or Priestap asking me for approval on  
20 a specific investigative step.

21           Q       Did you ever have interactions with Pete  
22 Strzok on this?

23           A       Sure.

24           Q       Did he brief you on it?

25           A       Yeah. He briefed me generally when Bill

1 wasn't available. So when Bill was not available at the  
2 office and Pete was his acting for the day, Pete would  
3 come in and brief me, or if there was a morning briefing  
4 with Director Comey, often Pete was the briefer. Bill  
5 was present and I was present, so I had a lot of  
6 interaction with Pete.

7 BY MR. BAKER:

8 Q And Mr. Strzok would sit where on the org  
9 chart? You're at the top of the national security  
10 apparatus as the EAD and of course as deputy and  
11 director. Bill Priestap's below you as the assistant  
12 director. Where does Mr. Strzok fall?

13 A So Bill Priestap was the assistant director  
14 of counterintelligence division, and he had three deputy  
15 assistant directors. Pete was one of them.

16 Q Who were the other two?

17 A I don't recall. Maybe three. Maybe four. I  
18 don't remember.

19 Q And then below --

20 A If you'd give me some time, I'll remember.

21 Q But below Pete. Who would be below  
22 Mr. Strzok? Who would be below him? The SSAs?

23 A No. There would be a number of section  
24 chiefs and then below section chief would be unit chiefs  
25 and then below unit chiefs would be supervisors.

1           Q       Do you remember any of the section chiefs' or  
2 unit chiefs' names?

3           A       No. The only section chief that I  
4 recall -- again, if you remind me -- I met with the  
5 section chiefs and even unit chiefs periodically, you  
6 know, so on an occasional basis. And I'd probably  
7 recall some of them if you threw their names in front of  
8 me, but not right now.

9           Q       And then will there be intel analysts  
10 embedded in that apparatus too?

11          A       Sure. That would be the headquarters program  
12 management structure. There would be -- and that is  
13 separate from the field offices' chain of command.

14          BY MR. SOMERS:

15          Q       So these meetings with Director Comey,  
16 Priestap would be in these meetings, generally?

17          A       Generally.

18          Q       So he might miss a couple. Strzok is in  
19 these meetings generally or only when Priestap's not  
20 there?

21          A       No. There were times -- the morning meetings  
22 with Director Comey were always attended by his  
23 assistant directors, so Pete wouldn't be in that  
24 meeting. However, there were times, maybe a couple  
25 times a week where director would excuse everybody

1     except for a small handful.

2             At that point, Pete and perhaps Jonathan Moffa and  
3     some deputy general counsels will come in specific to  
4     Crossfire Hurricane to provide that very specific  
5     briefing. That happened -- I don't know. There were  
6     times it happened daily. There were times it happened  
7     once a week. I don't recall, but that would be  
8     generally the mechanism. And Pete would come in at the  
9     request of Bill Priestap to provide some strategic  
10    briefing on Crossfire Hurricane or what other matters  
11    therefore.

12            Q       Did Lisa Page attend those meetings?

13            A       Yes. She attended as the special assistant  
14    to the deputy director, and I don't know that she  
15    attended all of them. I would say that generally she  
16    was not in the morning briefing with the director, and I  
17    don't know that she came in for the morning briefings  
18    with Pete. Perhaps one time, but I can't recall.

19            Q       And McCabe was in these meetings?

20            A       Well, he was deputy director. He was in the  
21    meetings up until a point I think, and then if I recall,  
22    he excused himself and from that point on Dave Bowdich,  
23    who was the associate deputy director, stepped in to  
24    fill Andy McCabe's position.

25            Q       Did lawyers attend any of these meetings?

1           A       Most of the meetings.

2           Q       Did [REDACTED] attend these meetings?

3           [REDACTED]: I'm going to object. These are  
4 non-SEsers. We don't want their names on the record.

5           Mr. Somers: All right. We can redact the names  
6 from the record, but you'll have to explain to the  
7 witness who everyone's identifier is.

8           [REDACTED]: I'm sorry?

9           Mr. Somers: I'm happy to redact from the record  
10 their names, or we can get the chart out, and I can ask  
11 him by their identifiers in the IG Report, but you're  
12 going to have to tell him who each one of these  
13 individuals is.

14          [REDACTED]: I don't think we're going to identify  
15 them at all by name. So you can refer to them as a unit  
16 chief, but we're not going to be referring to them by  
17 name.

18          Mr. Somers: Okay. My only point is I'm not sure  
19 the witness knows the identifiers.

20          [REDACTED]: We're not going to be identifying people  
21 who people are in the report who aren't identified.

22          Mr. Somers: Okay.

23          [REDACTED]: And so, in other words, you're asking him  
24 if case 1 is John Doe. We're not going --

25          Mr. Somers: No, I'm not asking him -- I know who

1 they are. I'm not asking to identify them. I'm saying  
2 I'm not sure that if I asked the witness who the OGC  
3 unit chief is if he knows who that is.

4 The Witness: I don't know who that is. A unit  
5 chief wouldn't likely be at that meeting.

6 BY MR. SOMERS:

7 Q You just said that the chief would be at the  
8 meetings. That's what I'm saying.

9 Mr. Somers: I'm happy to redact the names out of  
10 the transcript.

11 [REDACTED]: And I'm going to ask the witness not to  
12 identify non-SESer names.

13 Mr. Somers: If I ask the witness a question, are  
14 you going to, in a sidebar, tell the witness the name of  
15 the person, and we'll just keep it to the identifier?

16 [REDACTED]: I can sidebar with him.

17 Mr. Somers: I'd like to ask him whether the OGC  
18 attorney identified on page 82 was in any of these  
19 meetings.

20 [REDACTED]: Give us one minute.

21 Mr. Somers: Okay.

22 [REDACTED]: We may want to go back and visit some of  
23 the names, but I'll give you a little bit of leeway of  
24 this, and we'll see how we can do it.

25 Mr Somers: Okay.

1           [REDACTED]: You said 82?

2           Mr. Somers: 82. There's two. I just want to ask  
3 about two people. I can tell you who they are, but if  
4 you want to converse so we're both asking about the same  
5 person. I can say it off the record.

6           [REDACTED]: Let's go off the record.

7           (Discussion off the record, after which a recess was  
8 taken.)

9           BY MS. ZDEB:

10          Q       Mr. Steinbach, right before the break,  
11 Mr. Somers was asking you some questions about a  
12 conversation between George Papadopoulos and a  
13 confidential human source. I had just a couple of  
14 follow-up questions about that.

15          So in your experience, do targets or subjects of an  
16 investigation sometimes deny that they are engaged in  
17 criminal conduct?

18          A       Sure. All the time.

19          Q       And I think you said earlier that it was  
20 fairly common for subjects to not be completely truthful  
21 when talking to a confidential human source.

22          A       Sure. Yeah. Yes.

23          Q       And in your experience, should an agent or a  
24 prosecutor stop investigating a particular individual  
25 just because that individual denies engagement in



1 criminal conduct?

2 A Course not.

3 Q Should the FBI shut down a  
4 counterintelligence investigation just because a subject  
5 happens to deny wittingly working with a foreign  
6 government?

7 A The FBI should not shut down that  
8 investigation.

9 Q And so, in other words, there could still be  
10 a very legitimate need to investigate because that US  
11 person could be wittingly working with a foreign  
12 government or could be unwittingly working with a  
13 government, but in either case there might still be a  
14 legitimate basis to investigate?

15 A Correct.

16 Q To the extent that denials by  
17 Mr. Papadopoulos were not disclosed to the FISC in one  
18 of the FISA applications, should they have been?

19 A So I couldn't comment. I mean, you're asking  
20 a question. I think I would have to look at the  
21 totality of the situation. The FISC should have  
22 information necessary to make informed decisions. That  
23 statement by and in itself I can't answer.

24 Q You may be aware from your review of the  
25 Inspector General's Report that Director Wray said that

1 the FBI is taking a number of corrective actions in  
2 response to the FISA errors that the IG identified.

3 Do you have any reason to believe that the FBI is  
4 not taking appropriate steps in response to the IG's  
5 Report?

6 A I don't really have any firsthand knowledge  
7 either way. I'm not in the FBI any longer. I think  
8 I've had one off-line comment with a supervisory  
9 individual, and that person described training he was  
10 taking with respect to FISA, but I couldn't comment as  
11 to whether Director Wray or the FBI were taking it  
12 seriously or not taking it seriously. I was just not  
13 involved.

14 Q But you certainly have no basis to say that  
15 they are not taking it seriously?

16 A Correct. Correct.

17 Q Thank you.

18 BY MS. CALCE:

19 Q So my colleague was just asking you a little  
20 bit about the Inspector General's Report. As you may  
21 know, the Inspector General examined more than a million  
22 documents and interviewed more than 100 witnesses.

23 Were you among the people that he interviewed?

24 A I have had several IG investigations, and I  
25 believe that was one of them, yes.

1 Q Do you remember if he interviewed you once?  
2 Multiple times?

3 A So in totality between the Clinton e-mail  
4 investigation and the Russian influence investigation,  
5 since I've left the FBI, I think I've been interviewed  
6 seven or eight times by IG, by DOJ, by WFO, by the US  
7 Attorney's Office, all those as a witness I should say.

8 Q And did you provide complete and truthful  
9 answers to the IG in those investigations or to any of  
10 them with whom you've spoken?

11 A Yes.

12 Q Do you remember if you provided any documents  
13 in connection with the IG's investigation?

14 A I've not provided documents to anybody. I  
15 don't have documents to provide.

16 Q Did the Inspector General ever complain that  
17 it needed more information from you?

18 A No.

19 Q And you said that you had -- you had your  
20 team review the -- you read the summary and you had your  
21 team review the full report. Did you --

22 A No. Let me clarify that. So my secretary  
23 did a Google search of my name and just gave me the page  
24 where I was referenced, and I scanned through them. So  
25 that's the extent of my review.

1 Q Did you ever -- did you have the opportunity  
2 to review the draft report before it was made public?

3 A No.

4 Q And the sections of the report that you did  
5 review, was there anything inaccurate in your view?

6 A Not that I recall, no.

7 Q Okay. So before the break, we had spoken a  
8 little bit -- you had mentioned a couple times that  
9 perhaps you didn't review something, but the AD did.  
10 Who was the AD?

11 A Bill Priestap.

12 Q And so I just want to ask a little bit about  
13 your relationship with Mr. Priestap. What was your  
14 relationship with him?

15 A I was his direct supervisor.

16 Q How long did you work with him?

17 A I think Bill and I were first office agents  
18 in Chicago back in the late '90s. I didn't know him  
19 well, and we knew each other by name. In the first  
20 opportunity where I began to work with Bill more closely  
21 was when I came back to headquarters as the  
22 assistant -- first as the deputy and then as the  
23 assistant director of counterterrorism.

24 At some point, he also returned to headquarters,  
25 probably when I started to have -- first as a colleague

1 because he was also the assistant director, and then as  
2 his boss, so probably -- I've known him -- the name for  
3 20 years. In terms of a working relationship, over the  
4 last two years of my career I had a close and continuing  
5 working relationship with him.

6 Q And what is your professional opinion of him?

7 A Bill is a -- I'd describe Bill as a very  
8 astute intellectual. He sees the big picture. I was  
9 very impressed with his ability to see the big picture  
10 in intelligence and kind of develop a thought process  
11 around that, so he had very good intelligence instincts.

12 Q And do you believe that Mr. Priestap was  
13 honest?

14 A Absolutely.

15 Q I want to talk a little bit about the opening  
16 of the Crossfire Hurricane, and I know Mr. Somers and  
17 Mr. Baker talked about that before the break, and you  
18 had said that your recollection was not crystal clear,  
19 but we kind of just want to get your expert opinion,  
20 based on your 22 years with the FBI, whether you knew  
21 this information at the time or whether you learned  
22 about it in the press afterwards if certain things that  
23 took place before the opening of the investigation would  
24 have been significant.

25 So can you explain why the investigation was opened,

1 in legal terms what the predicate was?

2 A Predicate for Crossfire Hurricane?

3 Q For Crossfire Hurricane.

4 A So, again, from my perspective as I recall  
5 it, there were investigations that kind of bled into  
6 that. There were -- you know, there was a cyber  
7 investigation, and there was a larger Russian influence  
8 or Russian intelligence collection effort by the  
9 counterintelligence division.

10 As I understand, the predicate for the individuals  
11 that are now known as Crossfire Hurricane in each  
12 instance singularly those individuals had some  
13 interaction with a known or suspected or somebody  
14 associated with a known or suspected foreign adversary,  
15 a foreign intelligence officer.

16 Q And looking at the investigation as opposed  
17 to -- looking at the investigation as a whole as opposed  
18 to the individuals, you know, the Inspector General's  
19 Report noted that in March and in May 2016 FBI field  
20 offices identified a spear phishing campaign that was  
21 perpetrated by the Russian military intelligence agency  
22 and targeted e-mail addresses at the DNC and Hillary  
23 Clinton campaign, and there were attacks on the DNC and  
24 DCCC computer networks.

25 Can you explain why that would have been a

1 significant factor as far as the predicate of Crossfire  
2 Hurricane goes?

3 A Well, I want to be clear that's not  
4 necessarily a factor for Crossfire Hurricane. You can  
5 have -- so the spear phishing campaign, as you call it,  
6 or the cyber intrusion was identified associated with  
7 foreign governments is significant in itself. I don't  
8 know that there was a connection between that Russian  
9 influence and these four actors at the very start as I  
10 recall.

11 The fact of individuals on their own had contact or  
12 some association is enough to open up a predicate on an  
13 investigation. So I've not seen the opening  
14 communication for any of those four subjects if it  
15 references that cyber investigation or not. Whether it  
16 does or not from my perspective based on my experience,  
17 that's not a major factor. There's enough on those four  
18 individuals regardless of what happened in the spring  
19 with respect to the cyber attack.

20 [REDACTED]: Can I ask a question? Are you  
21 reading from the IG Report?

22 Ms. Calce: I am.

23 [REDACTED]: What page number?

24 Ms. Calce: That was page 49.

25 BY MS. CALCE:

1           Q       Mr. Priestap told the Inspector General, and  
2   this quote is from page 53 of the report, that the  
3   combination of the friendly foreign government  
4   information and the FBI's ongoing cyber intrusion  
5   investigation at the DNC has created a  
6   counterintelligence concern that the FBI was, quote,  
7   obligated to investigate.

8           Do you have any reason to dispute Mr. Priestap's  
9   explanation of why he began this investigation?

10          A       No. He's the assistant director of  
11   counterintelligence. He's much more closer to the  
12   information than I am or would have been, I should say.

13          Q       And do you understand what Mr. Priestap would  
14   have meant by counterintelligence investigation?

15          A       Yes.

16          Q       And what is your understanding of what he  
17   meant?

18          A       So he's saying that a friendly foreign  
19   government, in this case a partner of ours, provided us  
20   information suggesting there was a contact, there was a  
21   connection between an individual and a foreign  
22   government. That along with previous actions such as  
23   cyber was all driving towards one overarching  
24   counterintelligence -- or I'm sorry -- intelligence  
25   operation.



1           Q       And the phrase "counterintelligence" concerns  
2 specifically -- what is that understood to mean? What  
3 do you understand that to mean?

4           A       So intelligence operations are just what they  
5 are. Operations designed to gather intelligence  
6 generally refer to, in the case of a foreign government,  
7 a foreign government trying to gather intelligence on in  
8 this case the United States. Counterintelligence is  
9 just that. An effort to counter those intelligence  
10 operations.

11          Q       And do you agree that the information that  
12 Mr. Priestap had described as having created a pattern  
13 of intelligence concerning -- the FBI was obligated to  
14 investigate? Do you agree that that created a  
15 counterintelligence concern that the FBI was obligated  
16 to investigate?

17          A       Yeah, and I'll back up. So whether you're  
18 talking about counterintelligence or counterterrorism,  
19 on the national security side of the house we learned a  
20 long time ago that to prevent an action versus being  
21 reactive requires you to start much earlier to gather  
22 intelligence. By nature, counterterrorism and  
23 counterintelligence investigations at the start have  
24 very low predicate by design.

25               Many counterterrorism and counterintelligence

1 investigations don't go anywhere based -- or further  
2 than the initial predicate, and that's just the nature  
3 of intelligence investigation. But to ensure the  
4 national security of the United States, we open up on a  
5 very low bar to ensure that we identify and proactively  
6 prevent either terrorism or intelligence operations  
7 against the United States.

8 BY MS. ZDEB:

9 Q And I think you said earlier when you were  
10 discussing the chain of command for purposes of opening  
11 a counterintelligence investigation, that although that  
12 decision resided primarily with Mr. Priestap that you  
13 technically you could have said no, although you would  
14 have needed to also have made your case to the director  
15 and the deputy director.

16 If you believed that there was not an adequate  
17 predicate to make that case, would you have said no to  
18 try to make that case?

19 A Let me back up. So a typical national  
20 security investigation would not be approved by either  
21 the EAD, the executive assistant director, nor the  
22 assistant director. It wouldn't go to Priestap.  
23 Perhaps -- I don't know. Perhaps in this case because  
24 of the nature Bill played a particular role in that, but  
25 normal investigations, Bill would not be part of the

1 investigative approval process.

2 To be more specific to your question, if I had  
3 concerns about the predicate behind any national  
4 security investigation, I could -- I could intervene at  
5 my level and have that investigation closed.

6 Q And so the fact that you didn't intervene and  
7 attempt to have the investigation closed or -- I guess  
8 more accurately -- not open in the first place,  
9 presumably is a reflection of the fact that you didn't  
10 have concerns about the predicate?

11 A I had no concerns about the predicate or the  
12 fact that we were pursuing Crossfire Hurricane further.

13 BY MS. CALCE:

14 Q The Inspector General found that there was no  
15 documentary or testimonial evidence that political bias  
16 or improper motivation influenced the decision to open  
17 the investigation.

18 Did bias or improper motivation influence any of  
19 your actions regarding the opening of the Crossfire  
20 Hurricane case?

21 A No. Nor am I aware if influenced by any  
22 member of my staff or the Director's Office.

23 Q Do you have any evidence that bias or  
24 improper influence influenced any decision that  
25 Mr. Priestap made with respect to Crossfire Hurricane?

1           A       No.

2           Q       Do you have any evidence that bias or  
3   improper motivation influenced the actions of Mr. McCabe  
4   with respect to the opening of Crossfire Hurricane?

5           A       No.

6           Q       And do you have any evidence that bias or  
7   improper motivation influenced the actions of Director  
8   Comey with respect to Crossfire Hurricane?

9           A       No.

10          BY MS. SAWYER:

11          Q       Thanks, Mr. Steinbach. We appreciate you  
12   being here, and I'm sorry we're a little bit  
13   tag-teaming, but I just had a couple questions for you  
14   as well.

15               And I want to explain where I'm coming from in my  
16   questions to you. Because you may have observed, if  
17   you've been watching the news, that there have been  
18   questions raised as to whether there was ever a  
19   legitimate reason to open Crossfire Hurricane, and it's  
20   been put as whether there was ever any there-there.

21               And I know you've explained to us that you're not  
22   entirely clear sitting here today what specifically you  
23   knew then and what you've learned since, but I want to  
24   ask you some questions just based on -- I mean, you're  
25   the expert here. You were the head of the division that

1 was counterintelligence and counterterrorism. You know,  
2 we're not experienced in that regard.

3 But when I look at these facts, it seems like a  
4 clear case to me, but I just want to ask you some of the  
5 facts, and you've explained already that at the time the  
6 FBI was aware that there had been cyber intrusions,  
7 hacks of US computer systems, including the Democrat  
8 National Committee's computer systems; is that correct?

9 A Yes.

10 Q And can you explain why that itself created a  
11 concern and it warranted investigation?

12 A Warranted the investigation on the cyber  
13 side, or are you talking about Crossfire Hurricane?

14 Q I'm talking about an investigation, period --

15 A Well, sure.

16 Q -- whether or not it was Crossfire Hurricane  
17 yet.

18 A And, again, my recollection of the situation,  
19 this is not one singular investigation that's kind of  
20 moving through the course of 2016. There's a number of  
21 factors. We've been aware for a long time that foreign  
22 adversaries such as China, Russia, and others collect  
23 intelligence on United States. They do so in a variety  
24 of different ways: using human sources, using cyber  
25 techniques, and other technical collection measures.

1 Any time we identify cyber intrusions that are  
2 associated with a nation state are a concern to us.  
3 It's not uncommon and it happens all the time, but it's  
4 a concern, particularly when they are successful,  
5 particularly when they are focused not only on the  
6 private sector, but on institutions, and in this case  
7 our political institutions like the DNC or the RNC.

8 I'm going to go off a little bit. So my opinion is  
9 that it was completely appropriate for us to open up  
10 counterintelligence investigations on those individuals  
11 with or without the preceding cyber investigations or  
12 preceding cyber intelligence.

13 As I mentioned to Zach earlier, if an individual has  
14 contact or associations with a foreign government's  
15 intelligence operatives or suspected intelligence  
16 operatives or someone associated with that, we have to  
17 go take a look into that matter. It has nothing to do  
18 with that individual's -- it does not necessarily have  
19 anything to do with that individual's position, the fact  
20 that he is in a campaign or for a Democrat or  
21 Republican. By the nature of this contact or alleged  
22 contact or belief, we will have to look into that.

23 Now, it may be innocuous. There may be nothing to  
24 it, but the FBI would be highly scrutinized and should  
25 be if they did not follow that investigative lead.

1 Counterintelligence investigations are very difficult.  
2 We've had a number of high-profile spies that have  
3 caused significant. When you look at the history of  
4 those investigations, you'll find that there were a lot  
5 of warning signs that were unheeded. I hope today the  
6 FBI continues to open up and robustly pursue  
7 counterintelligence investigations when there's  
8 appropriate predicate.

9 So I don't find anything unusual in the steps that  
10 we took. When I was briefed on it, I found the actions  
11 and the processes in accordance with our standards.

12 Q So specifically with regard to  
13 Mr. Papadopoulos, the FBI did come to learn that he had  
14 been told or that he had told someone that he had been  
15 told in April of 2016 that Russia had e-mails -- had,  
16 quote, dirt on Hillary Clinton in the form of, quote,  
17 thousands of e-mails and that they were willing to  
18 release them anonymously in order to harm Hillary  
19 Clinton's campaign.

20 Would learning that have been alarming enough or a  
21 sufficient predicate or some there-there to open an  
22 investigation?

23 A So I guess, first of all, what you're saying  
24 I recognize, but I don't know if I recognize it from my  
25 time or all the media. Taking it on its own your

1 statement is absolutely concerning. I don't know that I  
2 can clearly say in the spring of '16 I knew that, but I  
3 have heard since or now it's part of my recollection on  
4 the Papadopoulos' stories particularly, but that by  
5 itself is a concerning statement, yes.

6 Q And to be clear, I understand your concern  
7 because you can't recall whether you knew it and exactly  
8 when you learned it. What I'm asking really honestly,  
9 not to try to trip you up on that, is sitting here as a  
10 counterintelligence and counterterrorism expert, if I  
11 give you these facts for your opinion as to whether or  
12 not that's a sufficient predicate. So you don't have to  
13 reanswer. I'm just clarifying.

14 We have actually seen that opening document on the  
15 investigation, and it indicates that that information  
16 came to the FBI on or about July 26th of 2016 for the  
17 first time, even though Mr. Papadopoulos had told  
18 someone associated with a friendly foreign government  
19 back in April, and it's just my understanding that the  
20 reason the friendly foreign government then told our  
21 government was because WikiLeaks had just released  
22 20,000-plus e-mails that appeared to have been hacked  
23 from the DNC.

24 Do you recall learning those facts at any point in  
25 time?



1           A       Vaguely. I mean, my recollection is not a  
2   hundred percent on the timeline and those topics. I  
3   recall the friendly foreign government, if I remember  
4   correctly, struggled with the decision because it did  
5   not want to appear to be involved in a political  
6   situation. They ultimately made the decision because  
7   they felt that a foreign government was taking  
8   inappropriate steps, but I don't recall to your point  
9   the timeline of WikiLeaks.

10          All that does resonate. I'm just not sure how I  
11   recall it specifically.

12          Q       And if a friendly foreign government had come  
13   with that information, would that have been concerning,  
14   enough of a legitimate predicate, a there-there for  
15   opening a counterintelligence investigation?

16          A       Yeah. So when you look at the -- when you  
17   look at the investigating guidelines for the FBI in  
18   terms of opening an investigation, it specifically talks  
19   about things and levels and confidence levels of  
20   investigation. So I would not be able to open an  
21   investigation say on a mere hunch that you were a spy.  
22   If somebody told me you were a spy, that's at a certain  
23   level, so you have to consider the source and motivation  
24   of the source, and then you move your way up.

25          A foreign intelligence person or a foreign

1 government has a lot of clout behind their information.  
2 They come to us, particularly a close partner, and  
3 provide us intelligence. That's a threshold that's very  
4 significant. So for them to provide this information  
5 did and should have been rightfully taken very  
6 seriously.

7 Q So another legitimate factor that was weighed  
8 into it was the source, that this was a friendly foreign  
9 government [REDACTED] who was providing us with this  
10 information?

11 A Absolutely.

12 Q So moving from Mr. Papadopoulos to Mr. Page,  
13 it's my understanding that reasons articulated by the  
14 FBI as to opening an investigation that involved  
15 Mr. Page cited to recent trips he had taken in July of  
16 2016 to Moscow and the fact that he may have met with  
17 individuals associated with the Russian government while  
18 there.

19 Would that type of information have provided a  
20 sufficient predicate for the opening of an investigation  
21 that involved Mr. Page?

22 A To be clear so, yes. First of all, I don't  
23 know that I knew it at the time, but what you've just  
24 stated on face value, absolutely. It would be enough  
25 proof for an investigation.

1           Q       And then with regard to Mr. Manafort, who was  
2   at the time the campaign manager for Donald Trump's  
3   campaign, facts recited by the FBI as a basis for  
4   opening a counterintelligence investigation involving  
5   Mr. Manafort included the fact that he had close ties  
6   with individuals associated with the Russian government,  
7   including potential Russian oligarchs.

8           Would that have been a sufficient basis for opening  
9   a counterintelligence investigation that involved  
10  Mr. Manafort?

11          A       Yes.  So I want to make sure I'm clear.  So,  
12  like, there's a little bit of a nuance to this, right?  
13  So when you say close association to an individual from  
14  a foreign government, so if Mr. Manafort had an ongoing  
15  business relationship that was out in the open, that  
16  would be one level of detail.  If Mr. Manafort had a  
17  clandestine or covert relationship, that would be  
18  another level of detail.

19          So there is some nuance to the relationship piece.  
20  So if I -- if I -- again, to make sure I'm clear, if the  
21  relationship -- I'm not saying in either case it would  
22  not be grounds to open an investigation.  You have to  
23  take a look at the manner of the contact.  Outward and  
24  public contact, say, at a conference is one level of  
25  detail versus a more clandestine covert relationship is

1 something else. But, in general, there would be concern  
2 if there was contact.

3 Q And in the Inspector General Report of the  
4 FISA applications on Carter Page, on page 60 it does  
5 recite some of the rationales, and it says, "Regarding  
6 the articulable factual basis on Manafort," it says,  
7 quote, May wittingly or unwittingly be involved in  
8 activity on behalf of the Russian Federation which may  
9 constitute a federal crime or threat to the national  
10 security, and they then go on to cite that he had  
11 extensive ties to pro-Russian entities of the Ukrainian  
12 government.

13 That articulation of a basis, a there-there for  
14 opening a counterintelligence, in your experience, would  
15 that have been sufficient?

16 A Yes. And, again, I think it's key. I think  
17 Zach brought it up earlier. Witting or unwittingly, and  
18 I was saying that the individual was wittingly an  
19 individual. He may be -- just by nature be being used  
20 as a pawn unwittingly. So there are times when the  
21 counterintelligence investigation certainly identifies  
22 somebody who's unwittingly being targeted.

23 Q And then with regard to Mr. Flynn, again, it  
24 articulated that quote, He may wittingly or unwittingly  
25 be involved in activity on behalf of the Russian

1 Federation which may constitute a federal crime or  
2 threat to national security, and then cites to, quote,  
3 various times to state-affiliated entities of Russia and  
4 the fact that he traveled to Russia in December of 2015.

5 Would that have been a legitimate factual predicate,  
6 a there-there, for opening a counterintelligence  
7 investigation on Lieutenant General Flynn?

8 [REDACTED]: Can you repeat the page again?

9 Ms. Sawyer: It's page 60.

10 The Witness: Can you repeat that again?

11 BY MS. SAWYER:

12 Q Sure. With regard to Mr. Flynn --

13 A Yes.

14 Q -- who was also at the time working with the  
15 Trump campaign as at least an informal advisor, the  
16 Inspector General Report reflects that once again the EC  
17 for opening an investigation on Mr. Flynn stated that  
18 he, quote, May wittingly or unwittingly be involved in  
19 activity on behalf of the Russian Federation which may  
20 constitute a federal crime or threat to the national  
21 security, end quote. And it just goes on to note that  
22 he had various ties to state-affiliated entities of  
23 Russia and traveled to Russia in December of 2015?

24 And my question was whether or not those facts would  
25 have provided an adequate predicate, a there-there, for

1 opening a counterintelligence investigation on  
2 Mr. Flynn.

3 A Yes.

4 Q Can you explain why in your experience that  
5 would have been sufficient?

6 A Again, I'll go back to what I've said several  
7 times today. Any time an individual has contact or  
8 association with a foreign government or an adversary  
9 such as Russia in their intelligence apparatus or  
10 individuals associated with their or believed to be  
11 associated with their intelligence apparatus, there's a  
12 concern, and so due diligence would require that we  
13 continue to look into that.

14 It could be witting. It could be unwitting. It  
15 could be nothing at all. But the FBI would be roundly  
16 criticized if we do not follow through on one of those  
17 investigative leads.

18 Q So you said the FBI would have been roundly  
19 criticized had they not followed those leads. Do you  
20 think they would have been rightly criticized if they  
21 hadn't followed those leads?

22 A Yes. Absolutely. Again, there's been a  
23 number of intelligence failures in recent memory, and in  
24 every single instance when you do a group analysis and  
25 you look back at the facts, there was evidence or

1 intelligence we should have followed up on that was not.  
2 So you try to learn from those. And so I think from a  
3 counterintelligence and a counterterrorism perspective,  
4 we teach our agents and analysts to leap forward.

5 Q You have mentioned a few times and in fact  
6 the ECs in opening on these individuals mentioned that  
7 the potential participation in Russian interference  
8 could have been wittingly or unwittingly. There have  
9 been questions raised as to why, if it was potentially  
10 unwittingly, the FBI didn't simply go to these four  
11 individuals and alert them and ask them if they were  
12 participating.

13 Now, Mr. Priestap was asked that question during the  
14 Inspector General review, and he explained the concern  
15 that it could inadvertently tip off individuals who were  
16 interfering. But from your perspective, I would just  
17 like to have an understanding as to why the FBI would  
18 not have gone to these individuals and just said to them  
19 this is their concern, that you may be working with  
20 Russia wittingly or unwittingly.

21 A It's a good question. It's a valid question  
22 to ask, and it's a subjective call in each instance, and  
23 it's based on a totality of the facts known at the time,  
24 the intelligence known at the time. Clearly, in any  
25 counterintelligence investigation, for it to be

1   successful, you need to keep it covert. Once that  
2   investigation becomes known, of course your ability to  
3   fully flesh out contacts, paper trails, et cetera, et  
4   cetera, disappear. You may never be able to follow  
5   through with that investigation.

6           So the decision to go from covert to overt, which  
7   would include providing a briefing to what would be the  
8   unwitting individual is a step that's taken but after  
9   careful consideration, and it's a judgment call based on  
10   the totality of the facts.

11           Sometimes we go forward and provide that  
12   counterintelligence briefing to somebody we believe is  
13   unwitting, but it's only after we assess the situation  
14   to determine -- determine to the best of our knowledge  
15   that the person is not acting witting and that doing so  
16   will not cause harm to the overall intelligence  
17   gathering efforts by the FBI.

18           Q       And do you recall whether there was any  
19   discussion of those factors as these investigations were  
20   being opened and whether or not just approaching these  
21   individuals would have made sense?

22           A       I don't recall specifically. I don't know.

23           Q       And if you had been uncomfortable with the  
24   fact that instead of approaching them the decision had  
25   been to at least open these investigations, would you



1 have raised that? And I know I'm asking you to think  
2 back four years.

3 A Say that again.

4 Q I'm just saying if you had been uncomfortable  
5 at the time with the notion that given the options we  
6 can open counterintelligence investigations and see  
7 where they lead, which is what I understood you to be  
8 saying to me for two reasons, one, you don't know  
9 whether that specific individual, but it also might  
10 interfere with the broader counterintelligence  
11 investigation, if you had been uncomfortable at the  
12 time, do you think you would have raised it, that we  
13 should just simply go to these people and talk to them?

14 A That would be -- in my opinion, that would be  
15 unwise. At a minimum, you'd still open on them, gather  
16 additional facts, then make the decision. You wouldn't  
17 make the decision upfront to provide them a  
18 counterintelligence briefing based on the initial  
19 predicate. The initial predicate -- the right decision  
20 at the time, and I still believe the right decision  
21 today, was to open up on those individuals.

22 If later through the course of the investigation as  
23 you work through it you determine that they were  
24 unwitting, then it would be wise to provide some type of  
25 counterintelligence awareness or provide other

1   protections if you couldn't provide a threat review  
2   securely.

3           Q       And on that front, if you have an  
4   investigation that is broader -- I mean, we're talking  
5   about four individuals here, and let's say with regard  
6   to one of them at some point the investigators  
7   determined that this individual was not a witting  
8   participant and there is no current risk that they are  
9   unwittingly participating.

10           Would it be a reasonable judgment call not to then  
11   brief them because it could put the broader  
12   investigation at risk?

13           A       Oh, I mean, I'll actually answer that more  
14   broadly. Many counterintelligence and counterterrorism  
15   investigations, they are opened up and more are  
16   potentially closed for lack of follow-up. We don't  
17   routinely go back and advise those individuals that,  
18   hey, we opened up a preliminary investigation. It would  
19   not be standard practice for us to go back and say we  
20   are no longer looking at you from a counterintelligence  
21   perspective. That's in isolation.

22           To your point, yeah, if there were other individuals  
23   that had association, we would certainly not go and  
24   provide any information to the person, even if we shut  
25   down one part of it while a remaining investigation is

1 going on.

2 Q So to be more concrete, if for example the  
3 FBI and Justice Department had determined that Mr. Page  
4 at some point was not a witting or potentially even  
5 unwitting participant, would it -- would it surprise you  
6 that they hadn't then gone to him and said, you  
7 are -- you once were, but you are no longer a subject of  
8 counterintelligence or other investigations?

9 A It would surprise me if they did do that, and  
10 I would have been -- I would have instructed them, if  
11 they came to me with that request, not do it. It's not  
12 in the best interest to advise Carter Page that we are  
13 no longer looking at you.

14 Q I think that's all I have for the moment.  
15 Thank you.

16 BY MS. ZDEB:

17 Q So, as you know, Crossfire Hurricane  
18 eventually morphed into the Special Counsel -- was taken  
19 over by the Special Counsel investigation and at a  
20 certain point transitioned from being a purely  
21 counterintelligence investigation to also having  
22 criminal aspects of the investigation. Three out of the  
23 four individuals that Heather was just asking you about  
24 were eventually charged with crimes as part of the  
25 Special Counsel's investigation.

1           Last week former Deputy Attorney General Rod  
2   Rosenstein testified before our committee and seemed to  
3   endorse the view that because the Special Counsel did  
4   not charge any of those individuals with conspiring with  
5   Russia, that that meant there was not a there-there, so  
6   to speak, to open the investigation in the first place.

7           So you have just talked about the there-there to  
8   open the four individual investigations that Heather  
9   just asked you about. So I guess my question is: Does  
10   the FBI require agents, when opening an investigation,  
11   whether counterintelligence or criminal, to have some  
12   sort of expectation at the very outset that they will  
13   find and be able to conclusively prove criminal  
14   wrongdoing in order to open that investigation?

15           A       Of course not.

16           Q       And what impact would imposing a requirement  
17   along those lines have on the Bureau's ability to  
18   investigate counterintelligence concerns and investigate  
19   and eventually prosecute crimes?

20           A       Again, I highlighted those earlier. The  
21   predicate for opening national security investigations  
22   is set low for a reason, and that reason is because we  
23   are required to prevent. When you prevent a crime from  
24   being committed versus investigating it after the fact,  
25   you are essentially starting your investigation before

1 steps have been taken by the subjects gets criminal in  
2 nature.

3 So from the perspective of a spy or a terrorist, we  
4 would have a lot more spies and a lot more terrorists  
5 running around the country successfully conducting their  
6 operations if we had some ridiculous standard that  
7 required FBI agents to only open on cases that they were  
8 100 percent -- first of all, it's an absurdity.

9 And any US attorney, including the deputy assistant  
10 director, knows that. You open up an investigation, and  
11 by guidelines it's a very low predicate, and there's a  
12 process by which you move up that chain, that  
13 evidentiary chain, until you get to a point where you  
14 can effectively conduct an arrest and charge somebody  
15 and prosecute somebody.

16 BY MS. SAWYER:

17 Q Can I just interject with a quick question?

18 I'm just curious from your perspective -- now,  
19 there's been conversations about whether a campaign, if  
20 it's tipped off that a foreign government might be  
21 seeking to assist it, whether or not they should have an  
22 obligation or -- whether moral or legal, honestly, to  
23 report that to the FBI. I'm curious as to your opinion  
24 on that.

25 A Yeah, I don't want to get into a political

1 conversation. I would hope that the US citizen, if he  
2 believed or she believed that he or she was the target  
3 of the counterintelligence operation, regardless of  
4 their position in government or political party, would  
5 have -- would feel a duty and be duty-bound to advise  
6 the FBI immediately.

7 Q So speaking concretely then, when  
8 Mr. Papadopoulos was informed by a Professor Joseph  
9 Mifsud, that Russia had obtained e-mails and was willing  
10 to release them to harm Hillary Clinton, is that  
11 something that should have been reported to the FBI?

12 A Absolutely.

13 Ms. Zdeb: That concludes our questions for this  
14 round. We can go off the record.

15 (Recess.)

16 Mr. Somers: It's now 12:25. Back on record.

17 BY MR. SOMERS:

18 Q Something you mentioned in the last round,  
19 you used the word "successful," "successful  
20 counterintelligence investigation," and I just want to  
21 ask you.

22 What's the goal of a counterintelligence  
23 investigation versus maybe what the goal of a criminal  
24 investigation is? The question is just: What's the  
25 difference between a counterintelligence investigation

1 and a criminal investigation?

2 A Sure. So the primary purpose of any national  
3 security investigation is the collection of factual  
4 intelligence to, you know, safeguard the United States.  
5 So I would say the overarching goal of a  
6 counterintelligence investigation is to collect  
7 actionable intelligence to therefore prevent  
8 intelligence operations by foreign adversaries.

9 Q And another thing that was asked in the last  
10 round I just want to clarify a little bit. I think it  
11 was asked more was it ever contemplated to brief any of  
12 the four individuals who were subjects of the Crossfire  
13 Hurricane or Crossfire Hurricane umbrella  
14 investigations.

15 Were you ever involved in any discussion of whether  
16 to offensively brief Candidate Trump or the Trump  
17 campaign about these threats?

18 A So, yes. There were conversations where we  
19 prepped Director Comey to then go and speak to his  
20 counterparts in the intelligence agency, to include  
21 General Clapper about how to brief President-Elect  
22 Trump. I don't recall if those conversations occurred  
23 while he was still a candidate or if it occurred after  
24 the election.

25 But there were conversations had about the scope of

1 what we would provide to the candidates, and I believe,  
2 if I'm not mistaken, there was a national security  
3 briefing forwarded to both candidates in the fall on a  
4 periodic basis. I'm not a hundred percent convinced of  
5 that, but I believe -- I want to say we made a separate  
6 arrangement to brief Candidate Trump up in New York at  
7 the Trump Towers, if I'm not mistaken.

8 Q Just while we're on that particular briefing,  
9 were you involved in any discussions about whether to  
10 send a particular supervisory special agent to that  
11 briefing in order to observe General Flynn?

12 A I'm not aware of that.

13 Q And then the subject of offensively briefing  
14 either the Trump campaign or Candidate or  
15 President-Elect Trump, do you recall whether that  
16 discussion you just referenced occurred before or after  
17 the Carter Page -- October 21st of 2016 is when the FBI  
18 applied for a FISA warrant on Carter Page.

19 Do you recall whether that discussion occurred  
20 before or after October 21st, 2016?

21 A So as I remember, there were numerous  
22 conversations about providing briefings to both  
23 candidates, but I don't recall when specifically those  
24 conversations or the exact contact context of those  
25 conversations.



1           By the way, the campaign -- I want to make sure  
2 we're clear -- we were not briefing a broad number of  
3 members of the campaign. We'd be briefing the  
4 candidate.

5           Q       Yeah, but a couple close -- very close  
6 advisors?

7           A       Right. Yes.

8           Q       That's what I --

9           A       Sure.

10          Q       When did you learn about -- let's just call  
11 it the Steele dossier or the Steele election reporting.  
12 When did you learn about that?

13          A       I don't recall. Sometime in 2016, but I  
14 couldn't tell you. Summer maybe. Summer time frame.

15          Q       What was your understanding when you learned  
16 about it, like, what it was?

17          A       What do you mean?

18          Q       Where it came from. What -- you know, what  
19 it consisted of.

20          A       So I had a copy of it. It was on my desk for  
21 a while. So in terms of, if I recall, it was a report  
22 written that had a variety of sourcing that provided  
23 information on topics associated with Russian influence,  
24 if I recall correctly.

25          Q       Did you know who Christopher Steele was while

1     you had his report sitting on your desk?

2           A       Did I know who he was? I didn't know much  
3     background. I think I had some understanding that he  
4     previously provided information to the FBI on a criminal  
5     matter. I didn't know much beyond that, no.

6           Q       And did you understand why he was collecting  
7     this information?

8           A       I recall there was an initial request by a  
9     campaign or political party to fund his efforts, if I'm  
10    not mistaken, but I don't recall specifically.

11          Q       And you don't recall knowing that the DNC had  
12    funded those efforts?

13          A       So what you said I know from the news media.  
14    I don't know that I knew it to that level of detail in  
15    the summer of 2016.

16          Q       And you were aware that Steele was a -- were  
17    you aware that Steele was a confidential human source  
18    for the FBI?

19          A       Yes.

20          Q       What's the FBI's Delta system, generally?

21          A       So I hope I don't mess this up. It's been a  
22    while. I believe that's our source system.

23          Q       It has information about confidential human  
24    sources?

25          A       Yeah. It's, by nature, a closed-off portion,

1 you know, not just files, files, et cetera.

2 [REDACTED]: I'm going to interrupt for a moment. I  
3 need to confer about what he can and can't say about  
4 this.

5 Mr. Somers: I don't need much more from him about  
6 what's in the -- I don't need anything more from  
7 him -- let me ask my next question.

8 [REDACTED]: Okay.

9 BY MR. SOMERS:

10 Q So you knew that Steele was a confidential  
11 human source. Is the Delta system a place that you  
12 would expect agents to go to get information on  
13 Christopher Steele prior to using any information he  
14 provided in a FISA application?

15 A No.

16 Q You would not expect them to go to Delta  
17 system. So you then wouldn't be surprised if they did  
18 not go in the Delta system prior to using Christopher  
19 Steele's information in the Carter Page FISA  
20 application?

21 A The source system in the FBI's designed to  
22 provide a structure to maintain the integrity of the  
23 source [REDACTED]

24 [REDACTED] --

25 [REDACTED]: I'm going to interrupt. I'm going to

1 stop this explanation as to what is involved with our  
2 Delta system. Do you really need to go into that?

3 Mr. Somers: No. Basically, I just wanted the  
4 answer whether he was surprised they wouldn't have gone.

5 [REDACTED]: Okay. Well, I'm going to instruct the  
6 witness not to go into this.

7 BY MR. SOMERS:

8 Q We talked about the Woods Procedures earlier.  
9 Just while we were on this topic, were you aware of the  
10 requirement that -- at the time were you aware of the  
11 requirement that a handling agent must sign off on the  
12 source characterization statement in a FISA?

13 A I don't think so, no.

14 Q So you were not aware that as part of the  
15 Woods Procedures if a FISA application is going to use  
16 information from a confidential human source, the  
17 handling agent for that confidential human source has to  
18 review and approve the source characterization statement  
19 within the FISA application?

20 A I can't say that I knew that, but that  
21 answers your question as to why the investigative agent  
22 wouldn't have access to the source file, because of  
23 the -- to keep the integrity of the system, which makes  
24 sense, but I can't say that I --

25 Q You weren't aware of that Woods requirement?

1           A       No, I do not.

2           Q       Were you aware that Bruce Ohr was interacting  
3 with Christopher Steele?

4           A       No.

5           Q       That didn't come up in your briefings?

6           A       I don't think I even knew who Bruce Ohr was  
7 until well after I retired and he became a media  
8 sensation, so to speak.

9           Q       Were you aware that FBI General Counsel Jim  
10 Baker took evidence from -- the director took evidence  
11 from Michael Sussmann related to the Trump campaign?

12          A       No.

13          Q       Michael Sussmann being a lawyer for the  
14 Democratic National Committee?

15          A       I don't know who Michael Sussmann is, and I  
16 was not aware that Jim Baker took information from  
17 Michael Sussmann.

18          Q       Would it concern you that the general counsel  
19 of the FBI inserted himself in the chain of custody of  
20 evidence rather than passing it off to an agent?

21          A       It would not concern me that legal counsel  
22 for any organization, public or private, passed  
23 information to legal counsel for the FBI, so, no, that's  
24 not that unheard of. I would expect that general  
25 counsel or any other agent in the FBI would then turn it

1 over to the prosecuting entities.

2 Q We spoke a little bit about the Steele  
3 dossier. I think you mentioned him having sources.  
4 Were you aware that he had a primary subsource for the  
5 information that was in his dossier?

6 A No.

7 Q So such that as the -- I'll just read to you  
8 from the IG Report, on Roman V in the IG Report.  
9 "Steele himself was not the originating source of any of  
10 the factual information he was reporting. Steele  
11 instead relied on a primary subsource for information,  
12 who used his/her network of subsources to gather  
13 information that was then passed to Steele."

14 You weren't aware of that?

15 A So let me rephrase that. So I was not aware  
16 of who or what the primary subsource was. I was aware  
17 that Steele, his information was from a collection of  
18 subsources, yes, which is very common.

19 Q Okay. Were you aware that the FBI was trying  
20 to identify, locate, and interview the primary subsource  
21 in the fall/early winter of 2016?

22 A I do remember that, yes.

23 Q Were you aware that they then located and  
24 identified the primary subsource?

25 A Zach, I think I remember that. I'm not sure,

1 but it sounds familiar, but I'm not sure if I knew about  
2 it then or I've since learned about it.

3 Q So you weren't briefed on the fact  
4 that -- well, let's put it this way.

5 Were you aware that he was interviewed by the FBI in  
6 January of 2017?

7 A So I retired on February 24th. By January I  
8 was starting to back out and turn over the reins. So I  
9 don't recall. I do not recall that.

10 Q So you wouldn't have been briefed as  
11 regularly in that time period? He was  
12 interviewed -- this is in the IG Report -- on three days  
13 in January: January 24th, 25th, and 26th.

14 And at that point in January, had you stepped back  
15 from the earlier-described role of getting daily  
16 briefings from Bill Priestap, et cetera?

17 A I think I still would have been doing that  
18 early, but I don't recall now. I probably still would  
19 have been going to the meetings with the director and  
20 getting my briefings from Priestap, so I don't recall.

21 Q You don't recall. Do you recall anyone  
22 raising any issues with the primary subsource interview?

23 A No.

24 Q So you weren't, you know, aware of  
25 impressions such as -- these are quotes from the IG

1 Report -- that the primary subsource reports back  
2 to -- I'm sorry -- is interviewed by the FBI, and some  
3 of the comments he had about his reporting were that  
4 Steele's primary subsource was giving Steele information  
5 that was based on, quote, conversations with friends  
6 over beers. The primary subsource would characterize  
7 information he gave Steele as word of mouth and hearsay,  
8 that his primary subsource told the FBI the information  
9 was intended to be taken with, quote, a grain of salt.  
10 The primary subsource corroboration on his reporting to  
11 Steele was, quote, zero.

12 You weren't aware of any information like that  
13 coming from your division?

14 A No.

15 [REDACTED]: I was just going to interrupt. Can  
16 you --

17 Mr. Somers: Page 88.

18 [REDACTED]: If you're referring to direct quotes from  
19 the IG, it would be helpful to get the page numbers so  
20 we can put it in our notes and also get to it.

21 BY MR. SOMERS:

22 Q So the FBI interviewed Steele in January of  
23 2017. It's fair to say you didn't get a readout of that  
24 interview of the primary subsource, that you recall at  
25 least?



1           A        I would say probably fair I don't recall.  If  
2   somebody started to give a briefing, I wouldn't -- I  
3   wouldn't disagree.  I just don't recall.

4           Q        There's no indication in the IG Report  
5   whether you were or were not.  That's why I'm asking.

6           A        I don't recall.

7           Q        Do you recall -- and I don't know if you were  
8   on this e-mail chain.  I'm assuming you don't recall an  
9   e-mail from Pete Strzok where he said -- this is on page  
10  247 on the IG Report, among other places -- that recent  
11  interviews and investigation, however, reveal Steele may  
12  not be in the best position to judge the reliability of  
13  his subsource network, as the e-mail he sent doesn't  
14  identify all recipients of the e-mail in the IG Report.

15           You don't recall seeing anything like that?

16           A        I don't.

17           Q        Were you aware of an electronic communication  
18  drafted by the Washington Field Office -- the final date  
19  on it's January 24th, 2017 -- a closing communication  
20  closing the investigation into Lieutenant General  
21  Michael Flynn?

22           A        I'm not.

23           Q        You're not aware of it at the time?

24           A        I should say I don't recall.

25           BY MR. BAKER:

1           Q       Aside from that specific closing  
2       communication, what is the relationship between  
3       headquarters and a field office when a case is to be  
4       closed? What's the office of origin? What does the  
5       term "office of origin" mean?

6           A       Office of origin is the somewhat now  
7       out-of-favor term for the office that has the  
8       investigative -- investigation, so office of origin for  
9       a particular case would be the office that originated  
10      and ran that investigation, so you're speaking -- the  
11      WFO would be the office of origin.

12           On the national security side of the house, closing  
13      documentation was generally reviewed by headquarters.

14          Q       So would it be unusual if -- you say  
15      Washington field would be the office of origin on this.  
16      Would it be --

17          A       So I'm not saying that. I'm saying you've  
18      used the term "Washington field." In this particular  
19      matter, I believe we were running into somewhat of a  
20      hybrid where we had -- technically Washington field was  
21      brought over and working out of FBI headquarters as,  
22      again, a now somewhat defunct term, like a special.

23          Q       Okay. So because it was sort of this hybrid,  
24      would it be unusual for Washington field to send a  
25      communication saying that they've exhausted -- and these

1 are my words -- they've exhausted their leads?

2 I think they ran some database checks, I think some  
3 FBI and some from another agency. They come back that  
4 there's no derogatory information. They're reporting  
5 that back to headquarters based on this kind of  
6 collaborative relationship between the field and  
7 headquarters.

8 Is it unusual that headquarters said, no, we're not  
9 going to close this right now; there might be some other  
10 things we want to do?

11 A I would say it's not unusual. I played that  
12 role on the counterterrorism side several times where I  
13 would not allow a field office to close or I would tell  
14 the field office to open or to close. So I don't want  
15 to use the word -- it's not common, but it's not  
16 extraordinary. It does happen.

17 Q And would it be -- in the course of this  
18 collaboration between headquarters and field, if  
19 headquarters would decide, for whatever reason, that  
20 they're not going to close the cases that field was  
21 recommending, could headquarters go back and say, well,  
22 we think there's A, B, and C investigative steps that  
23 have not been done that need to be done, so sort of a  
24 back-and-forth?

25 A Sure. Yeah. There are times when

1     headquarters steps into the field and says, you've not  
2     satisfied us in either direction, and, therefore, we're  
3     requiring you to take further investigative steps or not  
4     take further investigative steps.

5             In general, the move the FBI made post 9/11 is to  
6     have a national security side of the house stronger  
7     program management and remove from the field some of the  
8     investigative autonomy that was present 20, 30 years  
9     ago.

10            Q        And you've mentioned just a moment ago the  
11     term "special," or I think something you referred to as  
12     a headquarters special, and I think that is a term that  
13     has changed as time has gone on. I seem to remember in  
14     a different era a special was a funding mechanism where  
15     headquarters funded a field office operation for travel  
16     or whatever that would normally be incurred from the  
17     field office budget. I think in this particular matter,  
18     the instant matter, the term "special" meant something  
19     different.

20            What does a headquarters special mean in this  
21     instance?

22            A        Yeah, you're absolutely right. The  
23     term "special" many years ago was when the field offices  
24     had autonomy. It provided a special funding code for  
25     the field, stronger program management, and different

1 funding processes. That term has largely gone away. I  
2 think it's probably not an appropriate term. Some  
3 people use it.

4 But you could argue 9/11, the PENTTBOM  
5 investigation, was somewhat like a special. It was run  
6 out of the basement of FBI headquarters. So maybe not  
7 the best use of terms, but generally refer to  
8 high-profile investigation that was pulled in closer to  
9 headquarters level.

10 I can't think of too many instances in recent  
11 memory. 9/11 PENTTBOM for sure was one of them. The  
12 domestic terrorism matter with the militia out in Oregon  
13 was another similar. This, I believe, was a matter. So  
14 probably special is a term that you hear FBI agents use  
15 it doesn't mean the same as it did when you referenced  
16 it from 20, 30 years ago.

17 So there's no official term. There's no official  
18 process. It's just a more ad hoc definition of a  
19 different way of doing or conducting an investigation.

20 Q But it doesn't mean that a party to the  
21 investigation, a subject of the investigation, is  
22 treated differently because it's a special  
23 investigation?

24 A No, absolutely not.

25 Q It's just the sensitivity, the high stakes,

1 the resources that might be needed, the extra oversight  
2 that might be needed because of what the instant matter  
3 involves; is that fair?

4 A Correct. Yes. Fair to say.

5 BY MR. SOMERS:

6 Q Were you involved in other headquarters  
7 specials throughout your tenure?

8 A Domestic terrorism, Oregon militia I was the  
9 assistant director for that matter. That's probably the  
10 closest I recall. There were a couple high-profile  
11 counterterrorism investigations in the late -- like High  
12 Rise. Although run by the field, it was closer to a  
13 special. It was highly concentrated at headquarters.

14 Q Midyear Exam?

15 A Midyear Exam would be another one like that.  
16 So I came in, you know, in February of -- no -- yeah,  
17 February 2016, so Midyear was probably halfway over.  
18 So, yeah, I was briefed on that. So the last half of  
19 that would be another example.

20 Again, probably special is the wrong term, but that  
21 more high scrutiny or highly scrutinized investigation,  
22 yes.

23 Q So on these, it kind of means that the  
24 seventh floor is going to have some more input than on  
25 your ordinary case? Is that kind of what makes the

1     headquarters special?

2           A       Yeah, it's not a -- I don't know  
3     that's -- there's no -- obviously, you don't open the  
4     book and see the word "special." It's clearly I think  
5     for political sensitivity or other national security  
6     concerns. The seventh floor, the director, deputy EADs  
7     play a larger role in those type of investigations,  
8     which were probably inappropriate to call them special,  
9     yes.

10          Q       That term like seventh floor, that's a term  
11     that would be used within the FBI. Does an FBI agent  
12     know what that meant?

13          A       Sure.

14          Q       And would you have been part of the, quote,  
15     seventh floor as the EAD?

16          A       Yeah. My office was on the seventh floor.

17          Q       I just want to get back to that Flynn. Even  
18     though you weren't aware -- so you weren't aware of the  
19     Flynn closing memo on January 4th. Were you aware that  
20     headquarter -- I'm sorry -- the seventh floor or  
21     headquarters asked the Flynn matter be kept open at some  
22     point in time?

23          A       No. I wasn't -- I don't recall there being a  
24     disconnect. Some folks wanted to close it, and some  
25     folks on the seventh floor didn't.

1 Q Were you aware at the time of the phone calls  
2 between Flynn and a foreign official?

3 A Yes -- well, at the time I was briefed on it  
4 by either Strzok or by Priestap, SES.

5 Q Either Strzok or Priestap. Do you know about  
6 when that was? Was it like -- was that yesterday, or  
7 was this, you know, later in January?

8 A Sometime -- sometime after New Year's I  
9 believe.

10 Q Were aware of Deputy Director McCabe sending  
11 two agents, including Strzok, to interview Flynn at the  
12 White House?

13 A Yes.

14 Q You were aware of that -- I'm sorry -- before  
15 it happened or after?

16 A Yes, before it happened.

17 Q Did you approve that?

18 A You asked me if I -- first of all, it  
19 wouldn't have been my -- the deputy director needs to be  
20 in the conversation, so it wouldn't have been my purview  
21 to approve it. It was his decision. But it was a  
22 conversation that was had on Director Comey's table one  
23 or more mornings. So I was aware of the plan.

24 In terms of approved, did I agree with the plan,  
25 yes? Did I actually sign off on it? No.



1           Q       So it didn't go -- I guess when I said  
2 approved I meant up. So obviously, yes, the deputy  
3 director eventually approved it. It can either be  
4 approved by him, or it could go up through you and be  
5 approved by him?

6           A       Yeah. And in all of those matters, not only  
7 with Crossfire Hurricane, but in many matters, even  
8 Midyear, these were conversations the director was  
9 making along with recommendations from field and  
10 headquarters and general counsel. So I recall in this  
11 situation the decision to go over to the White House and  
12 interview General Flynn was discussed by the director  
13 and deputy with us present.

14           I think there was a conversation that occurred about  
15 the plan for -- and I don't recall anyone saying, hey,  
16 it's approved. Go do it. I remember walking away  
17 knowing it was going to happen, yes.

18           BY MR. BAKER:

19           Q       Would there people present that did not think  
20 it should happen; they had an opposite voice?

21           A       I don't recall. I mean, I've told -- in  
22 other settings I have told, and I'll stick to this,  
23 Director Comey had a very open style of leadership, and  
24 so we often disagreed or robustly discussed situations  
25 or decision points in the morning and the afternoon in

1 Midyear and Crossfire Hurricane. There were a lot of  
2 conversations where there was a back-and-forth.

3 In that particular instance, I don't recall. It  
4 wouldn't surprise me if there was a contrary point of  
5 view. Because often Jim Baker, whether he believed it  
6 or not, would provide contrarian opinion to kind of  
7 spark conversation and also to make sure the director  
8 was thinking about full circle in the decision process  
9 in that situation.

10 Q So it kind of sounds like Mr. Comey's style  
11 was to kind of have everybody at the table participate  
12 in the process. He heard everybody out and then made  
13 the decision?

14 A Correct. That's accurate. I mean, there  
15 were several instances while I was EAD where I disagreed  
16 with him, where I provided a commentary, and he would  
17 provide his feedback, and there would be a  
18 back-and-forth. That happened. He encouraged it, and  
19 he encouraged that type of leadership where there was  
20 rigorous debate about topics.

21 BY MR. SOMERS:

22 Q The topic of whether to alert the White House  
23 counsel, was that discussed in this meeting?

24 A I believe so. I believe so. But I'm not  
25 strong enough in that opinion to know when I knew about

1 that.

2 Q The topic of whether to inform General Flynn  
3 of penalties under 18 USC 1001, was that discussed in  
4 that meeting?

5 A I don't recall.

6 Q Was Mr. Strzok in the meeting?

7 A I don't recall. He likely would have been.  
8 I don't recall. Again, that same quorum or core group  
9 of people that we talked about would have been present.  
10 If they were there for every individual conversation, I  
11 don't know, but the general same core: the director,  
12 deputy, general counsel, deputy chief of staff, myself,  
13 EAD Strzok. That core was there for most of the  
14 conversations as long as they were in town.

15 Q Was Lisa Page part of that quorum, or let's  
16 just say for that specific meeting? Was Lisa Page in  
17 that specific meeting?

18 A Well, I don't recall if she was there. She  
19 was there for many conversations.

20 [REDACTED]: I just want to remind the witness not to  
21 get into SES names. We're not going to express this on  
22 the record.

23 Mr. Somers: Yeah, I'm not asking him for the names  
24 in that meeting.

25 BY MR. SOMERS:

1           Q       Apart from the meeting, do you recall any  
2       discussions about the 1001 and whether Flynn should have  
3       been warned about 1001 as part of the meeting -- I mean  
4       as part of the interview?

5           A       No, I don't.

6           Q       Any other discussions about whether to alert  
7       the White House counsel other than what occurred in that  
8       meeting?

9           A       I thought there were conversations either  
10      between us and White House counsel or DOJ and the White  
11      House counsel. If I'm not mistaken, that did occur. I  
12      just don't know time frame when or if I were a part of  
13      those. Those probably were above my pay grade. That  
14      was probably director DAG and director AG.

15          Q       Did you have any discussions with the DAG  
16      Sally Yates about the interviews?

17          A       I was present for conversations. My direct  
18      chain of command wouldn't go to Sally. I was there.  
19      There was probably once or twice a week at the  
20      director's briefing that the AG, the DAG, and their  
21      staff would come over and have a follow-on briefing.

22               Some of these conversations took place in that  
23      setting, but at times the DAG or agent would go off in a  
24      sidebar with the director. I don't recall in what  
25      format that would occur, those conversations would

1 occur.

2 Q Do you recall any conversation, any  
3 discussion where Sally Yates expressed the sentiment  
4 that either Flynn or Trump White House or incoming Trump  
5 White House should have been defensively briefed about  
6 Lieutenant General Flynn's phone conversations?

7 A I don't recall that.

8 Q Do you recall any concern being raised by  
9 Sally Yates about the interview?

10 A Yeah. So to answer the question more  
11 appropriately, everything you're saying rings true with  
12 me, but, again, I don't recall. This was in the news  
13 for a lot, so I don't recall. Everything you said, I  
14 would basically be able to say, check. Got it. Got it.  
15 I just don't recall if I was aware of it in January 2017  
16 or at some point post retirement. So it sounds  
17 familiar, Zach, but I'm not sure if I knew about it in  
18 2017. It's likely that I would have. I can't say for  
19 sure.

20 Q In that January time period, you recall being  
21 involved in any discussions where it was DOJ has this  
22 opinion about what we should do with Flynn; we FBI have  
23 a different opinion? Do you recall any discussions like  
24 that?

25 A Yeah, I vaguely remember Sally Yates was

1 not -- did not feel we were going far enough, but I  
2 don't recall. I don't recall the specifics about that.

3 Q Were you involved in any discussions  
4 regarding the Logan Act as it relates to General Flynn?

5 A No.

6 Q Are you familiar with the Logan Act?

7 A Yeah.

8 Q Did you have any discussions in that time  
9 period at all about the Logan Act?

10 A I'm sure I would have. I don't recall the  
11 specifics.

12 BY MR. BAKER:

13 Q It doesn't have to necessarily be in the  
14 instant case, but you have a good, rich investigative  
15 background on both the criminal side and national  
16 security side. If you recall, at any time in your  
17 career where you're going to do an interview of a  
18 subject, is it unusual to have a meeting with maybe  
19 another agent that you're going to take on the interview  
20 with you and kind of sketch out what you hope to get out  
21 of the interview, what courses of action or what kind of  
22 responses you think that the subject of the interview  
23 might give and then what weaknesses or vulnerabilities  
24 you might be able to leverage to get a confession or  
25 whatever the goal of the interview is?

1           Bottom line: Is it unusual to have a pre-interview  
2 meeting with your co-case agent to kind of discuss a  
3 strategy on an interview?

4           A       It's not unusual, no.

5           Q       And is it unusual going into an  
6 interview -- and this would include your OPR or your  
7 internal interviews.

8           Is it unusual for the interviewers to know more  
9 about what the subject has done than the subject  
10 necessarily knows?

11          A       It's not unusual. It's actually quite common  
12 to have -- you go into an interview hopefully with a  
13 position of power and know more about what's going on so  
14 that you can then ensure the truthfulness of the  
15 interviewee.

16          Q       And would it be uncommon to have an alternate  
17 interview strategy? If you think you're going to get a  
18 confession or something and something different happens,  
19 that you have kind of a roadmap determined in advance  
20 how you will navigate the interview if in fact you don't  
21 get what you initially expect?

22          A       Yeah, I suppose. I wouldn't articulate that  
23 interview's a free-flowing process. I mean, you go in  
24 with information you have and you use your ability to  
25 communicate and the interview kind of takes on a life of

1 its own, and so likely, although you planned for the  
2 interview to go a particular way, it very rarely goes  
3 the way you planned. So you would just base it on the  
4 responses and kind of the relationship that's been  
5 developed.

6 Q Right. So aside from being in the moment and  
7 responding organically to what you're getting out of the  
8 interview, it wouldn't be unusual to have some maybe  
9 very high-level thoughts about, well, if they confess to  
10 where the body is, we'll go this way; if they don't, we  
11 may have to go that way?

12 A Yeah. I mean, confession is a strong word  
13 for a noncustodial interview, but I mean if you -- you  
14 know, you go into an interview, particularly a  
15 high-level interview like this, you'd hope to have some  
16 goals or objections from that interview.

17 It could also not just be between other cases. You  
18 would likely be communicating with DOJ or whoever the  
19 prosecuting entity was about what the overarching goal  
20 of the interview is.

21 Q Okay. And I think that's a very important  
22 point with me. You wouldn't go into an interview, and  
23 especially maybe not a high-level, high-profile  
24 interview, without any kind of preparation. You would  
25 at least sort of sketch out what the goal of the



1 interview was, what you might do if the interview  
2 terminated. You would at least have some kind of  
3 roadmap to keep things going towards the direction for  
4 whatever purpose the interview is?

5 A You're speaking hypothetically. I would hope  
6 not, but it probably happens. Hypothetically that's  
7 what you would want your case agents to do. I don't  
8 know it happens all the time, but you are laying out the  
9 ideal roadmap for an interview. Whether or not it  
10 happens all the time or infrequently or how often, I  
11 couldn't tell you. I know how I did it as an agent, but  
12 I would expect when I was running a case, although not  
13 the supervisor on the case, but your point is taken  
14 that's ideally the way it should be done.

15 Q So it's ideal, so it's not unusual. It might  
16 be unusual that people do the ideal all the time, but it  
17 wouldn't be unusual for somebody to do those things that  
18 make a good interview; i.e., having some sort of  
19 roadmap?

20 A Correct.

21 BY MR. SOMERS:

22 Q I think the term you used was goals and  
23 objectives going into an interview, what the goals and  
24 objectives were. Were goals and objectives discussed at  
25 all in these meetings with the deputy director and the

1 director in terms of the Flynn interview?

2 A I don't recall enough about any topic  
3 associated with Flynn or the interviews to give you any  
4 clarity on what was discussed, any specifics, no.

5 Q To switch -- a couple more subjects I want to  
6 cover. Just briefly, do you know how the Crossfire  
7 Hurricane team was selected?

8 A I do not.

9 Q All right. Let's talk about were you aware  
10 that Lisa Page and Pete Strzok were having an affair?

11 A No.

12 Q Were you aware they had a personal  
13 relationship?

14 A I was aware that they were associates, close  
15 associates who worked together very closely, yes.

16 Q So Bill Priestap never raised to you some  
17 sort of improper personal relationship between Pete  
18 Strzok and Lisa Page?

19 A Bill Priestap didn't raise to me concerns  
20 that Lisa Page and Pete Strzok were having an intimate  
21 relationship. Bill Priestap raised to me concerns that  
22 Lisa was taking information and going to the deputy.

23 Q Taking information from Strzok?

24 A Yeah. In other words, Lisa was part of some  
25 of the investigative processes. Instead of being a part

1 of that process, she was not following the chain of  
2 command. There was concern about that.

3 BY MR. BAKER:

4 Q And does that cause problems for you  
5 specifically as an EAD in the chain of command, that  
6 you're being bypassed?

7 A Yeah. I had conversations with both Pete and  
8 Lisa about that, but I did not know the intimate  
9 relationship behind that.

10 Q In the last round, you had indicated that the  
11 evolution of counterintelligence cases at the Bureau has  
12 a low threshold for that because there's been things  
13 that have been missed and, you know, in hindsight  
14 there's identifiers that kind of alert you to things  
15 that maybe need to be looked at closer than historically  
16 wouldn't.

17 In the list of things that cause potential problems  
18 in counterintelligence investigations, especially  
19 espionage type investigations, is extramarital affairs  
20 something that can be problematic for somebody working  
21 in counterintelligence, a vulnerability? Does it create  
22 that?

23 A Are you asking me as the subject of an  
24 investigation or as the investigative team?

25 Q Does two people that work in

1 counterintelligence investigations and have access to  
2 things that hostile intelligence services would be  
3 interested in, does the fact that two people involved in  
4 those types of investigations for the FBI, does that  
5 create a vulnerability for them to be targeted by  
6 hostile intelligence service?

7       A       Hypothetically, I'm not sure I'm following  
8 your train. If your statement is that in the FBI if two  
9 individuals are having an affair, an extramarital  
10 affair, if they create a concern from an investigative  
11 perspective, I'd say no. Could that potentially be  
12 exploited by a hostile foreign government? Yes.

13       But I think any extramarital affair -- if I was  
14 having an extramarital affair with somebody in my  
15 office, regardless of whether I was part of an  
16 investigation or not, that's one of the classic  
17 exploitation signs, so I -- classic exploitation  
18 elements.

19       I'm not sure what you're getting at. If your point  
20 is that because Lisa and Pete were having an affair, did  
21 that make them vulnerable or -- I would say probably  
22 no -- to this investigation? Was it inappropriate?  
23 Yes. Do I think necessarily that it negatively  
24 influenced the investigation? I don't know that I would  
25 agree with that.

1           Q       But did it negatively impact any aspect of  
2 the investigation? I think you said earlier they were  
3 bypassing the chain of command and going to each other.  
4 Does that relate to their --

5           A       So I don't think that they were bypassing the  
6 chain of command because of their relationship. So  
7 Lisa's job was to be an advocate for the deputy director  
8 and to provide him information. As I counseled Lisa on  
9 one occasion, that's her job, to support the deputy  
10 director. She could do it one of two ways: First way  
11 was to go and build relationships with the team and work  
12 through the team and push that information that needs to  
13 get to the deputy directly, which is through Bill and  
14 through me, or she could do it an alternate way and make  
15 enemies and go run straight to the deputy with that  
16 information and create enemies, which is the way she was  
17 doing it.

18           My counsel to her was support the deputy, which is  
19 your job, but do it in a way that's not creating  
20 friction with the larger team, which is what she was  
21 doing.

22           So what you're talking about is the briefing  
23 structure. I don't know that it was affecting the  
24 integrity of the investigation itself. It was certainly  
25 causing problems on the seventh floor or with the chain

1 of command that she was briefing. Does that distinction  
2 make sense?

3 Q Yeah. I understand. I guess I'm still a  
4 little confused on this whole idea of extramarital  
5 affairs. Isn't that part of the insider threat that  
6 there's warning signs for? I mean, I've heard in other  
7 interviews, because this topic has obviously come up  
8 because that was the part that the media focused on so  
9 much and the texts and all.

10 I'm a little confused by the different responses  
11 we've gotten. We've gotten everything from as long  
12 they're doing their work, the fact they're having an  
13 affair isn't really any consequence, and I mean every  
14 other kind of variation of it.

15 Is it something the Bureau would put an end to  
16 because they're working on some of the biggest cases in  
17 the Bureau, or is it truly that it's not a big deal?

18 A So we're in a building where I think it's not  
19 unusual to have extramarital affairs with many folks.  
20 It's a reality that we live in today. Is it  
21 appropriate? No. It can be problematic, yes. If we  
22 found out about it, would we shut it down and remove  
23 those people? Absolutely, yes. Does it happen probably  
24 a lot more frequently? Absolutely, yes. In the  
25 totality of those times it happens, does it result in

1 catastrophic results?

2       So I think you're probably getting a wide variety of  
3 answers because people have a wide variety of opinions  
4 to it. I think most people would argue that Pete was  
5 married and Lisa was married and it was inappropriate.  
6 But, you know, unfortunately, personal lives that people  
7 lead are confusing at best. I think we're -- when it  
8 became inappropriate from the FBI's perspective is they  
9 were working on the same case, in the same chain of  
10 command, and they used Bureau communication devices to  
11 have conversations.

12       Outside of that, whether Pete and Lisa were having  
13 an affair is probably appropriate for their spouses and  
14 their families, but, you know, unfortunately, we live in  
15 a world this happens probably more frequently than we  
16 are willing to admit, as you can see with the media over  
17 the last couple years in the private sector and public  
18 sector.

19       Q       I understand that. But I guess the part I'm  
20 still confused on is why would they be allowed to stay  
21 in those types of investigations as opposed to being --

22       A       I'm not aware that anybody -- it first came  
23 to light to me that they were having an intimate affair  
24 when -- in fact, I didn't know about it, but all of a  
25 sudden I saw -- I heard that Pete was removed. I still

1 didn't know why Pete was removed. It was several days  
2 later that I found out.

3 So I'm not aware of anybody from the director on  
4 down certainly to me at my level that Pete and Lisa were  
5 having an intimate affair. If they were, absolutely I  
6 would have shut that down, but I didn't know that. If  
7 somebody has testified to or told you they knew that, it  
8 wasn't communicated to me as far as I know, and it  
9 certainly wasn't communicated to Andy or the director.

10 BY MR. SOMERS:

11 Q Bill Priestap testified before the House  
12 Judiciary Committee that he was at least told that they  
13 were having an affair and then spoke to both of them  
14 about it or something along those lines. I'm not sure  
15 he knew for sure they were having an affair. I'll  
16 represent his testimony was that.

17 But I will represent that he was at least aware that  
18 there was, say, a rumor that they were having an affair  
19 without the benefit of his testimony in front of me  
20 right now, but he never raised that to you?

21 A He never raised that to me. And look, again,  
22 as somebody who now leads a very large  
23 organization -- let's be clear -- as a leader you  
24 provide strong guidance and counsel. When you hear  
25 rumors, you take action to the extent the rumor's a



1 rumor right.

2 So if I'm in Bill Priestap's shoes and I hear an  
3 uncorroborated rumor, I'm certainly going to advise my  
4 director, Pete Strzok, hey, there's a rumor out there.  
5 Maybe you want to take more caution in how you meet or  
6 the relationship you have with Lisa so that there's no  
7 view that there's a relationship. But I don't know if  
8 that's the tack he took or not.

9 Q You mentioned a few minutes ago that you -- I  
10 think the word you used was counseled Lisa Page on going  
11 around the chain of command. Do you know if that  
12 counseling worked? Did you see any difference in her  
13 subverting the chain of command?

14 A It's hard to say where we were at. I mean,  
15 we had long conversations. She said she got it; she  
16 understood it. I don't know that there was a -- it's  
17 not a one or the other. So I don't know that it  
18 necessarily influenced her and she started to do a  
19 better job. I can't comment as to whether I saw or  
20 noted a difference or not.

21 Q Let me read to you from pages 64 and 65 of  
22 the IG Report. I think it's page 64. Priestap also  
23 told us that he originally wanted to assign  
24 investigation to a deputy assistant director, DAD, other  
25 than Strzok because, although he had confidence in

1 Strzok's counterintelligence capabilities, he had  
2 concerns about Strzok's personal relationship with Lisa  
3 Page affecting the Crossfire Hurricane team. According  
4 to Priestap he told Steinbach about his concerns and  
5 Steinbach was supportive of his decision to remove  
6 Strzok from the team, but his decision was overruled by  
7 McCabe.

8 First, I think you said you recalled Priestap --

9 A I don't recall it.

10 Q You don't recall him raising the personal  
11 relationship with you?

12 A No, that's not true. I recalled Bill raising  
13 concerns about Lisa's circumventing the chain of command  
14 and doing it because of the information that she and  
15 Pete were working on together. I don't recall Bill  
16 telling me or asking me or advising me that he wanted to  
17 remove Pete from Crossfire Hurricane. I don't deny that  
18 it may have happened. I just don't recall it.

19 Q Did you at any time want to remove Pete from  
20 Crossfire Hurricane to give him I think -- give me one  
21 sec here.

22 Mr. Baker: More of a broad-based experience,  
23 traditional.

24 BY MR. SOMERS:

25 Q The quote is traditional DAD experience.

1 That's on page 64 of the IG Report.

2 A So I don't recall saying that, but it sounds  
3 like something I would say. I did have a concern  
4 because Pete was too narrowly focused on -- he was  
5 largely acting as super case agent, and my thought was,  
6 you know, he was probably our most experienced and  
7 well-respected senior executive in counterintelligence,  
8 so I thought he would be the heir apparent to Bill when  
9 Bill left.

10 So it sounds like something I would say, but I don't  
11 recall saying it. I don't recall telling my boss, hey,  
12 you should remove Pete from Crossfire Hurricane or he  
13 should not be a part of Crossfire Hurricane.

14 Q So then this last part of the  
15 sentence -- sorry -- or the second sentence, "According  
16 to Priestap, he told Steinbach about his concerns and  
17 Steinbach was supportive of his decision to remove  
18 Strzok from the team, but his decision was overruled by  
19 McCabe."

20 So I guess that's two questions. One, were you  
21 supportive of the decision to remove Strzok from the  
22 team, and the second, were you overruled by McCabe?

23 A Yeah, I don't recall. I don't recall that I  
24 had a conversation with Bill about removing Pete from  
25 Crossfire Hurricane, and I don't -- nor do I recall

1 asking or making a request of Andy McCabe, the deputy  
2 director, to remove Pete from Crossfire Hurricane.

3 I'm not refuting Bill's testimony. I just don't  
4 recall it.

5 BY MR. BAKER:

6 Q But it wouldn't be unusual for you as an  
7 executive, or even all the way down to an SSA, to  
8 encourage career development or developmental  
9 opportunities for somebody that you see as a rising star  
10 or somebody that's on the career development path. It  
11 wouldn't be unusual to say this person's got talent;  
12 they need to also get experience in this or it's time  
13 for them to do inspections or whatever. That would not  
14 be unusual?

15 A Yeah, it would not be unusual. I knew Pete a  
16 lot longer than I knew Bill, so I had a good  
17 relationship with Pete. I thought he was a very  
18 aggressive counterintelligence agent, so I recall having  
19 conversations with him, developmental conversations with  
20 him about his future, to include to be careful that his  
21 relationship with Lisa, that he was not -- information  
22 was flowing up correctly, but I don't recall  
23 specifically this conversation you've referenced. I  
24 don't deny that it might have happened. I just don't  
25 recall.

1           Q       It sounds like -- in the last round someone  
2       asked about your assessment of Mr. Priestap. It kind of  
3       sounds like your assessment of Mr. Strzok is he's a  
4       competent intelligence agent?

5           A       Absolutely.

6           Q       And maybe more than competent.

7           A       And he'd been involved in a number of  
8       important counterintelligence investigations. In fact,  
9       Pete and I worked a matter in Guantanamo Bay many years  
10      before. I was the counterterrorism supervisor, and he  
11      was the counterintelligence supervisor. He had a strong  
12      sense investigatively.

13          Q       And in your opinion, he was somebody that had  
14      potential or would continue to move up through the  
15      ranks. I think you said you thought he might be the  
16      heir apparent to Mr. Priestap.

17          A       Right. I did, yes.

18          BY MR. SOMERS:

19          Q       Just for a second here -- I think we're  
20      almost done, but we discussed the first time in our  
21      first round your daily briefings with -- or Priestap  
22      characterized the daily briefings as the Carter  
23      Page -- you get the FISA on Carter Page. Were you being  
24      briefed at all on, like, what you were learning from the  
25      Carter Page FISA collection?

1           A       Not on a daily basis. I'd say probably I was  
2 given periodic updates into the larger Crossfire  
3 Hurricane. Some of that may have included Carter Page  
4 information; some of it may not have.

5           Q       Do you recall that you were being told they  
6 were learning stuff; this FISA is valuable?

7           A       I don't recall.

8           BY MR. BAKER:

9           Q       In hindsight, having done a career and moved  
10 on -- it sounds like it's pretty significant important  
11 things in your post period of life -- if you had to make  
12 suggestions or changes to the FISA process, is there  
13 anything that stands out based on your experience and  
14 where you've been in the FBI?

15           It sounds like there's a lot of moving parts in the  
16 FISA process and there's a lot of personnel movement in  
17 the FBI, and people go on to check a box here and there  
18 as they continue their career progression. Is there  
19 anything that should be changed so there's a more  
20 developed workforce that has an expertise in these  
21 matters rather than coming in and trying to play catch  
22 up to learn a process that sounds kind of complicated  
23 and then to move on to the next thing only to have it  
24 backfilled with somebody that is right back to negative  
25 experience or little experience?

1           It just seems like there's a constant cycle of  
2 people coming in and out and a training that doesn't  
3 seem like it's always working, and the Woods File issue  
4 is a specific example.

5           I would just be curious what you have in hindsight  
6 if you were asked to come in and fix the FISA  
7 process -- because it's not just this case where there's  
8 been issues with FISA. In recent times, the IG's found  
9 other audits to be deficient, and, I mean, I know from  
10 personal experience going way back before this, there's  
11 always been, because of the back-and-forth between  
12 headquarters and the field and because of all the  
13 different moving parts and DOJ seems to be more involved  
14 in these types of cases than they necessarily are, just  
15 bottom line there's a lot of moving parts.

16          What could you suggest to be changed that would  
17 eliminate some of the confusion maybe that the case  
18 agents have? Is it more training? Is it keeping people  
19 career tracked where they stay in counterintelligence  
20 from the time they enter on duty? I'd like to hear from  
21 you, what you'd fix. If you had thoughts on that, what  
22 would you fix?

23          A       Sure. So I think you bring together two  
24 topics which I'm going to separate. The first more  
25 simple one is the FISA process. So I would say that

1 while I was in the FBI I did not think there was a  
2 problem with the FISA process. Clearly, there's been  
3 some facets that have come to light that I -- I can't  
4 say that I've read it closely because obviously I'm not  
5 following all this stuff, but it's clear to me that  
6 there's some mistakes that were made in the FISA  
7 process.

8 So you fix that, much like my job now that I have,  
9 through a strong government control process. So you  
10 build an automation where you've got an ability to  
11 monitor through controls, and you test and audit that  
12 process. That would be my suggestion for FISA.

13 Your other assertion about movement of people, I  
14 completely disagree with you, and I think people who  
15 make comments about movement of FBI agents and turnover  
16 at headquarters as a cause for concern are mistaken.  
17 I'll use an example of the US military. Identify any  
18 flag rank officer and ask that flag rank officer how  
19 long he or she stays in a particular role. The role of  
20 a commanding officer of the units, the squadron, a  
21 battalion is a year. They successfully run the United  
22 States Navy, Marine Corps, the Air Force, and the Army  
23 with an up or out policy. You can't stay and maintain  
24 and be a specialty 03 or 04 officer.

25 The FBI has a lot of specialists, and those are



1 GS-13 special agents. If you decide that's what you  
2 want to do, the body of our workforce are those  
3 specialists who do the job day in and day out. Now, if  
4 you want to get into the management track and be a  
5 leader, leaders need to be broad-based in their  
6 experiences.

7 The fact that leaders go and spend two years here,  
8 two years here, two years here is that a problem? It's  
9 not a problem from a leadership perspective. You  
10 certainly run out of time. You look at an FBI agent as  
11 a 20-year or a second career opportunity, and most  
12 agents retire at 50. You can run out of time to check  
13 off blocks, but your argument and if you're asking me to  
14 weigh in on my thoughts about leadership progression in  
15 the FBI and that being part of the problem, I would say  
16 absolutely not.

17 Q Do you think the mandatory retirement age or  
18 the eligible retirement age on lower, do you think that  
19 creates a vacuum of experience that results in an even  
20 younger workforce without senior people to mentor them?  
21 Do you think that is in any way wrong?

22 A So I had this conversation with Director  
23 Comey on my last day, and, yes, I think the workforce is  
24 in two different groups. FBI agents who remain journey  
25 FBI agents who do entire career in field, they want to

1 retire at 50, I think it's fine.

2       Once you enter into the SES ranks, the fact that you  
3 can retire at 50 creates a turnover that's not  
4 appropriate. Look, I left at 50 because there were  
5 opportunities available in the private sector and I had  
6 a family. The US government does not pay executives in  
7 government to stay in government, and there's  
8 unfortunately a turnover. I think that the FBI should  
9 mandate that SESers remain SESers. If you decide to,  
10 say, be an SAC, you need to stay a few years longer to  
11 create more consistency.

12       So I think you need to split the workforce. The  
13 working agent, let that agent retire at age 50.  
14 However, if you enter into the executive ranks, you need  
15 to maintain some consistency. They should not be  
16 allowed to leave at 50. So what do you have to do? You  
17 have to incentivize them. Congressmen and, quite  
18 frankly, the administration have done the opposite.  
19 They assert that executives in government are overpaid.

20       I can tell you that if you go out in the private  
21 sector and you get four, five, six times your SES  
22 salaries. So clearly there's a discrepancy. And so you  
23 see that flight, that needs to change. Now, the other  
24 thing that can happen, you should bring back senior  
25 executives in the FBI like myself who've been in the

1 private sector to jump into the EAD ranks. I do think  
2 there is an organizational leadership structure that  
3 needs to be taken and needs to be looked at from the  
4 leadership ranks of the FBI.

5 Q And you think that --

6 Ms. Zdeb: Excuse me, Art. I think it's been about  
7 an hour, and I'm mindful of Mr. Steinbach's hard stop at  
8 2:00. I don't think that we will have much more than a  
9 half hour of questions, but I'm curious whether  
10 you're --

11 Mr. Baker: I'm done except for 15 more seconds.

12 BY MR. BAKER:

13 Q Do you think that any of what you've just  
14 articulated as potentially deficiencies in the Senior  
15 Executive Service retention, having to stay on, do you  
16 think that contributed to any of the FISA mishaps  
17 because there is such a young workforce?

18 A No.

19 Q Do you know what a green SAC patch is?

20 A Yes. I have one.

21 Q And what exactly is that?

22 A A contractor or the ability for former  
23 employees to get in, that badge?

24 Q That one.

25 A Do I know what it is? Yeah. I have one.

1           Q       And does every former employee get one, or  
2   what do you have to get a badge that allows you to get  
3   in after you've retired?

4           A       Well, any former employee who takes on a role  
5   as a contractor of course could, for specific purposes,  
6   could get one, but often senior executives are allowed  
7   to keep access to go back and provide -- the idea is to  
8   as necessary provide expertise or assistance, et cetera,  
9   et cetera.

10          I've gone back on a number of occasions and provided  
11   briefings on topics, whether it's to finance or  
12   criminals. It's just a way for former executives to  
13   stay in the loop. I know for instance the former ADD,  
14   Tom Harrington, comes back and consults quite often on  
15   strategic topics, on finance topics.

16          Q       So this is a badge you keep in perpetuity, or  
17   is it time limited?

18          A       No, it's time limited. It's like a -- if  
19   your clearance is five years -- I have a five-year  
20   clearance. At the end of those five years, I would have  
21   to go and renew it to keep it, but I have one. So I  
22   suspect if I want to keep it, I have to go back and have  
23   another security clearance and polygraph to keep it.

24          Mr. Baker:   Okay.   Thank you.

25          (Recess.)

1 BY MS. SAWYER:

2 Q I just wanted to ask a few questions related  
3 to the Steele dossier. You had, in talking to my  
4 colleagues, indicated that at some point it came into  
5 your possession and you had had a copy of it, and you  
6 couldn't recall specific timing. I think you said you  
7 thought it might have been the summer of 2016.

8 And I just -- in the Inspector General's Report on  
9 page 100, it indicates that, and I'll just quote that  
10 second paragraph, which just says, "On September 19th,  
11 2016, the Crossfire Hurricane team received the Steele  
12 reporting for the first time when Handling Agent 1  
13 e-mailed SSA 1 six reports for the SSA to upload."

14 So it just sounds from that like the folks at  
15 headquarters who were handling it didn't have it until  
16 September.

17 A Yeah, so that's correct. So I was wrong. So  
18 then after -- so clearly I had it, and I got it from  
19 Bill. I asked Bill, hey, can I see a copy of it. So  
20 whenever it came to headquarters, eventually it came to  
21 be at my desk.

22 Q And I ask in part just because there have  
23 been sometimes claims, not accurate claims, but claims  
24 that the Steele dossier was part of the reason that the  
25 Crossfire Hurricane investigations were opened in the

1 end of July, and the Inspector General actually found  
2 that that wasn't the case, that the Steele dossier had  
3 played no role, and I just wondered if your recollection  
4 was consistent with that finding.

5 A I don't recall to be honest with you.

6 Q But certainly you don't have any reason to  
7 believe that was --

8 A No.

9 Q The Steele dossier has played a very large  
10 role in a lot of the public dialogue around this, and so  
11 I'm going to describe that dossier as opposition  
12 research on a candidate because it did derive -- a  
13 company that was working with and campaign hired  
14 Mr. Steele and asked him to do research and that's where  
15 it derived from.

16 I'm kind of curious. I don't think it's probably  
17 the first time what was opposition research came into  
18 the FBI's possession. I think it's certainly not the  
19 last because right now we know that information being  
20 gathered by Rudy Giuliani is being passed to none other  
21 than the Attorney General for possible consideration as  
22 to whether he should be investigating.

23 So I'm not asking you for a political opinion at  
24 all. I'm just asking you for based on your expertise  
25 and experience, is it -- it's been suggested that with

1 regard to the Steele thing, it should have been ignored  
2 completely by the FBI. Do you agree with that  
3 assertion?

4 A No.

5 Q So how should it have been handled?

6 A So you handle the source information like we  
7 handle all source information, with healthy skepticism  
8 as to motivations, sourcing, and subsourcing. It's not  
9 different -- again, it's not different from being on the  
10 streets in Chicago and talking to a corner drug dealer  
11 who is providing information on a rival drug dealer,  
12 right. Because there's likely motives behind sources  
13 offering. Very rarely does a source just provide the  
14 information as in good conscience. It happens, though.

15 With all sources, you take a look at it, and you  
16 apply healthy skepticism, and you then go and break that  
17 apart. A lot of times source information is only  
18 partially correct. So you'll have bits and pieces that  
19 are accurate and bits and pieces that are false. You  
20 then go and you need to investigate to try to develop  
21 more information to run down those leads.

22 Q And from your perspective, you weren't -- I  
23 just assume you weren't closely involved in any efforts  
24 that the FBI and others took to assess the sourcing, run  
25 down the leads. You were relying on other individuals

1 to do that?

2 A Yeah. That wouldn't be my role as an EAD.  
3 I'm aware that it was going on, but it would have been  
4 part of the normal investigative process.

5 Q And you are aware, at least sitting here  
6 today, that information contained in some of the Steele  
7 reporting was included in the application submitted to  
8 the FISA board for Carter Page; is that accurate?

9 A Yeah, I'm aware of it. I don't know that I  
10 necessarily -- I probably assumed it with the FISA  
11 application. I know now that it's all over the media of  
12 course.

13 Q Are you aware whether or not the FBI relied  
14 on any of the Steele reporting beyond the application to  
15 the FISA board for Carter Page in any of its  
16 investigative steps?

17 A Can you say that again, please?

18 Q Yeah. It wasn't a very good question. Let's  
19 try again.

20 Are you aware whether or not the FBI relied on the  
21 Steele dossier in terms of its investigation of George  
22 Papadopoulos?

23 A So I can't answer that question specifically  
24 other than I would assume so and hope so. I mean, I  
25 don't -- I didn't look at the case file, so I can't tell



1 you step by step what was involved in terms of the  
2 investigative process. But I would hope that all  
3 information that was used as a part of the  
4 investigation, including the Steele dossier so to speak,  
5 regardless of where it came from should be part of the  
6 investigation.

7 Q So to the extent there is information  
8 available to the FBI, what I hear you saying is, and I'm  
9 going to use a stronger term than you've used, it's a  
10 potential dereliction of duty not to at least consider  
11 it?

12 A In any investigation, criminal and national  
13 security, you pull in all information, whether that's  
14 good, bad, positive, negative intelligence, all a part  
15 of your picture you paint.

16 Q And have you looked at the FISA application  
17 vis-à-vis the description to the court as to the source  
18 of that information?

19 A I have not.

20 Q I want to turn -- so you don't have an  
21 opinion as to whether or not how the source and its tie  
22 to a political campaign was provided to the court -- how  
23 it was described to the court?

24 A Yeah, no, I don't.

25 Q I want to turn just for a moment -- there was

1 a lot of discussion about both Lisa Page and Peter  
2 Strzok and their personal relationship.

3 With regard to Peter Strzok's actual performance,  
4 did you note anything in his performance that caused you  
5 concern as to how he was conducting the Crossfire  
6 Hurricane investigation?

7 A No.

8 Q And, presumably, had you noted anything in  
9 his actual performance that was troubling, you would  
10 have sought to either correct that or remove him for  
11 performance-related reasons?

12 A Yes.

13 Q Did anyone else ever note to you or complain  
14 to you about Mr. Strzok's actual performance on the  
15 case?

16 A Other than what was mentioned earlier, no.  
17 The conversation that Bill stated he had with me about  
18 his concern about Lisa and Pete's relationship, I don't  
19 recall that conversation, but I don't specifically  
20 recall anybody commenting or having concerns about  
21 Pete's performance as a leader. The only person who  
22 would have that conversation with me would be Bill  
23 Priestap, his boss.

24 Q And you don't recall any conversation where  
25 Mr. Priestap expressed to you concerns about how

1 Mr. Strzok was conducting the investigation?

2 A I don't.

3 Q And with regard to Lisa Page, was she a  
4 decision-maker in any way with regard to the  
5 investigation?

6 A She was not.

7 BY MS. CALCE:

8 Q So I'm just going to ask a few questions  
9 about the January 24th interview of Michael Flynn. Were  
10 you involved in that interview?

11 A No.

12 Q Were you aware that it was going to take  
13 place?

14 A Yes.

15 Q You know, there have been -- you were asked  
16 earlier whether it's unusual for the FBI to talk about  
17 the goals for -- for maybe two case agents to talk about  
18 the goals for an interview before that interview takes  
19 place. Is that correct or is that unusual?

20 A The case agents would do the interviews.

21 Q Right.

22 A Yeah, it's not -- it's a hypothetical  
23 question, but, yeah, it's not unusual for two case  
24 agents to collaborate and kind of figure out the game  
25 plan for the witness interview.

1           Q       And as part of that, they might, you know,  
2 consider multiple approaches to an interview?

3           A       Sure.

4           Q       And I think you said that -- well, not in the  
5 context of this, but it's possible that somebody might  
6 suggest -- play devil's advocate, say -- might play  
7 devil's advocate, might say, you know, we should think  
8 about different approaches. This might work. This  
9 might not work. This is a risk.

10          A       Sure.

11          Q       So there have been some accusations in the  
12 news -- you might have heard -- with regard to the Flynn  
13 case that the FBI's goal was to entrap Flynn, to kind of  
14 intentionally get him to lie. Now, I've always  
15 understood entrapment to involve some element of  
16 trickery, to involve coercing a crime by defendant who  
17 might otherwise not be predisposed to commit one.

18               What is your understanding of the conduct that would  
19 constitute entrapment?

20          A       Yeah, you're absolutely right. So entrapment  
21 is a strong term. Essentially, if I'm not predisposed  
22 to commit a crime, somebody comes in and tricks me or  
23 coerces me to commit that crime, that's entrapment.  
24 Getting somebody to make a statement is not entrapment.

25               In fact, I'll take it a step further. Often when I

1 interview subjects, I talk to them and use a variety of  
2 ways to get them to admit or make statements.

3 Q And is it ever entrapment to simply ask a  
4 question and give the witness the opportunity to tell  
5 the truth then?

6 A No.

7 Q And if they lie in response to your question,  
8 is that entrapment?

9 A No.

10 Q And to the best of your knowledge as you sit  
11 here today, did any FBI employee coerce Mr. Flynn into  
12 lying about his discussions with a foreign official?

13 A No.

14 BY MS. SAWYER:

15 Q A quick follow-up. I just can't recall from  
16 one of my colleagues who was speaking with you whether  
17 or not you recall what triggered the decision to  
18 interview Lieutenant General Flynn.

19 A I don't know that I'm a hundred percent sure.  
20 I believe it had to do with the conversations that were  
21 picked up --

22 [REDACTED]: I'm going to instruct the witness to be  
23 careful about names being used.

24 The Witness: Yeah, I think that the intelligence  
25 gathering process would be -- I'm sorry.

1 I believe that the reason for our decision to  
2 interview him was because he was picked up on an  
3 intelligence-gathering platform.

4 Ms. Sawyer: Can we go off the record just for a  
5 second?

6 (Discussion off the record.)

7 The Witness: So we gathered information in the  
8 course of our investigation that necessitated us going  
9 and interviewing General Flynn to obtain more detail on  
10 that information.

11 BY MS. SAWYER:

12 Q So, again, I'm going to ask you a few  
13 questions that are in a relative vein of hypothetical so  
14 as to not get into any sensitive information. I just  
15 want your sense.

16 As a -- certainly as a counterintelligence matter,  
17 if the FBI was in possession of information that  
18 indicated that an incoming National Security Advisor had  
19 lied to the vice president about his interactions with a  
20 foreign government, what kinds of concerns  
21 would -- might that raise?

22 A I think that's probably too political for me  
23 to answer. I mean, I think if any individual,  
24 particularly in a position of trust in government,  
25 withheld or concealed information or relationships with

1 a foreign government, particularly an adversarial  
2 foreign government, that's a problem, and that's a very  
3 concerning behavior pattern.

4 I won't comment as to whether an incoming National  
5 Security Advisor lied to the vice president. I mean,  
6 it's more of a political situation. Withholding  
7 information regardless of who it's to would have been a  
8 concern to me.

9 Q And I am honestly not trying to get you to  
10 make a political statement. I'm happy to alter the --

11 A I just don't want to get into --

12 Q Understood. I'm just trying to get a sense  
13 of, you know, there have been allegations that there was  
14 no legitimate reason to be questioning Lieutenant  
15 General Flynn.

16 A Yeah, that's wrong. Absolutely.

17 Q And can you explain why that would be true,  
18 why he should have been questioned?

19 A He's the incoming National Security Advisor,  
20 and information was identified that was concerning for  
21 us. He's in a particular position of trust with access  
22 to very sensitive information. That is absolutely  
23 appropriate.

24 Ms. Sawyer: Give us a minute, and we'll just make  
25 sure that we're --

1           So I think we are finished with our questioning. We  
2   appreciate you taking the time and coming in and  
3   answering questions that we have. I don't know if you  
4   had any --

5           [REDACTED]: Before we close can record -- actually,  
6   can we go off the record for a moment?

7           (Discussion off the record.)

8           BY MR. SOMERS:

9           Q       Mr. Steinbach, in the first round we  
10   discussed meetings that included the director and/or the  
11   deputy director, yourself, and others, and we were going  
12   through attendees at that meeting, and there were two  
13   attendees that I didn't get to ask you about in the  
14   first round. I'd like to ask whether they attended  
15   those meetings.

16          Do you recall the discussion prior to that, just  
17   first?

18          A       Yes.

19          Q       Do you know if -- I'm going to use their  
20   identifiers from the Inspector General's Report.

21          Do you know if the OGC attorney was a participant in  
22   those meetings?

23          [REDACTED]: And, again, I'm going to instruct the  
24   witness not to answer. We haven't received  
25   clarification on whether we are allowed to go into



1 non-SES names here today.

2 BY MR. SOMERS:

3 Q And, for the record, I'm using his identifier  
4 from the Inspector General's Report. I'm not asking you  
5 his name.

6 Do you know if the person identified on page 82 of  
7 the Inspector General's Report as the supervisory  
8 intelligence analyst was at those meetings with the  
9 director and/or deputy director?

10 [REDACTED]: And, again, I'm once again going to  
11 object and instruct the witness not to answer because we  
12 have not received clarification on whether the witness  
13 can discuss non-SES names here today.

14 Mr. Somers: All right. I think that concludes the  
15 interview, and I thank the witness for attending  
16 voluntarily.

17 The Witness: You're welcome.

18 (Whereupon the proceedings were adjourned at  
19 1:53 p.m.)

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# ERRATA

Notice Date:

Deposition Date: June 12, 2020

Deponent: Michael Steinbach

Case Name: Senate Judiciary Committee

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